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ABSTRACT

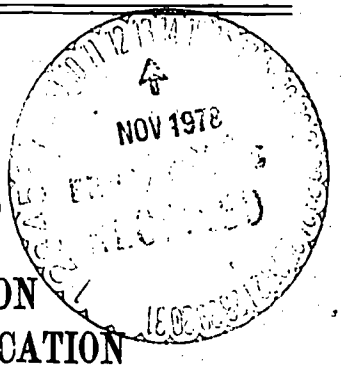
In May and June of 1978 hearings were conducted on H.R. 9158, which provides for grants for the operation and improvement of tribally controlled community colleges. Appropriations would include $25,000,000 for each of the first two fiscal years and $30,000,000 for the third. The Navajo Community College would receive $60,000,000 over three years with an additional yearly operation and maintenance grant of $125,000. Testimony supporting the bill cited the tribally controlled colleges as "tangible examples of true Indian self-determination". At present only 10% of Indian college freshmen ever graduate. Weak academic backgrounds, culture shock, and inadequate supportive services at educational institutions are among the reasons for poor Indian academic performance. Indians earning degrees often are trained for jobs not relevant when they return to the reservation. Many of the brightest students take jobs elsewhere, and their talents are lost to the reservation. A Bureau of Indian Affairs (BIA) official opposed the act, saying that the BIA already has sufficient authority to provide financial and technical assistance to all tribally controlled community colleges. This document is comprised of the bill itself, testimony at the hearings, and other pertinent information. (DS)

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TRIBALLY CONTROLLED COMMUNITY COLLEGE ACT



HEARINGS

BEFORE THE

SUBCOMMITTEE ON POSTSECONDARY EDUCATION

OF THE

COMMITTEE ON EDUCATION AND LABOR

HOUSE OF REPRESENTATIVES

NINETY-FIFTH CONGRESS

SECOND SESSION

ON

H.R. 9158

TO PROVIDE FOR GRANTS TO TRIBALLY CONTROLLED COMMUNITY COLLEGES, AND FOR OTHER PURPOSES

HEARINGS HELD IN WASHINGTON, D.C.
MAY 18, AND JUNE 14, 1978

Printed for the use of the Committee on Education and Labor

CARL D. PERKINS, *Chairman*

U.S. DEPARTMENT OF HEALTH, EDUCATION & WELFARE
NATIONAL INSTITUTE OF EDUCATION

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TRIBALLY CONTROLLED COMMUNITY COLLEGE ACT

THURSDAY, MAY 18, 1978

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON POSTSECONDARY EDUCATION,
COMMITTEE ON EDUCATION AND LABOR,
Washington, D.C.

The subcommittee met, pursuant to notice, at 9:45 a.m., in room 2261, Rayburn House Office Building, Hon. William D. Ford (chairman of the subcommittee) presiding.

Members present: Representatives Ford, Blouin, Mottl, Cornell, Buchanan, and Quie.

Staff present: Thomas R. Wolanin, staff director; Patricia F. Rissler, deputy staff director; Jennifer Vance, minority legislative assistant.

Mr. FORD. The Subcommittee on Postsecondary Education is meeting today to receive testimony on H.R. 9158, the Tribally Controlled Community College Act, and identical bills introduced by additional cosponsors.

This hearing has been postponed several times because of the press of urgent legislative business and conflicts with the schedules in the full Committee on Education and Labor. We want to extend our thanks and appreciation for the patience and understanding of the witnesses and other interested parties who have planned previous appearances only to be told the committee couldn't meet because of conflicts with the full committee and other activities of the Congress.

I must say that we are having no luck at all, because I did not realize when we rescheduled this hearing the House would be going in at 10 o'clock today nor did I realize that it was possible we will get to the 5-minute rule at some stage. However, I am sure we will get to hear from all the Members.

[Text of H.R. 9158 follows:]

95TH CONGRESS
1ST SESSION

H. R. 9158

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 16, 1977

Mr. BLOUIN (for himself and Mr. QUIE) introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To provide for grants to tribally controlled community colleges, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Tribally Controlled Community College Assistance Act of 1977".

DEFINITIONS

SEC. 2. For purposes of this Act, the term—

(1) "Indian" means a person who is a member of an Indian tribe and is eligible to receive services from the Secretary of the Interior;

(2) "Indian tribe" means any Indian tribe, band, nation, or other organized group or community, includ-

I

ing any Alaskan Native village or regional or village corporation as defined in or established pursuant to the Alaskan Native Claims Settlement Act, which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians;

(3) "Secretary", unless otherwise designated, means the Secretary of the Interior;

(4) "tribally controlled community college" means an institution of higher education which is formally controlled, or has been formally sanctioned, or chartered, by the governing body of an Indian tribe or tribes;

(5) "institution of higher education" means an institution of higher education as defined by section 1201 (a) of the Higher Education Act of 1965; except that clause (2) of such section shall not be applicable;

(6) "national Indian organization" means an organization which the Secretary finds is nationally based, represents a substantial Indian constituency, and has expertise in the field of Indian education; and

(7) "full-time equivalent Indian student" means the number of Indians enrolled full-time, and the full-time equivalent of the number of Indians enrolled part-time, in each tribally controlled community college.

TITLE I—TRIBALLY CONTROLLED COMMUNITY COLLEGES

PURPOSE

SEC. 101. It is the purpose of this title to provide grants for the operation and improvement of tribally controlled community colleges to insure continued and expanded educational opportunities for Indian students.

GRANTS AUTHORIZED

SEC. 102. (a) The Secretary of the Interior is authorized to make grants pursuant to this title to tribally controlled community colleges to aid in the postsecondary education of Indian students.

(b) Grants made pursuant to this title shall go into the general operating funds of the institution to defray the expense of activities related to education programs for Indian students. Funds provided pursuant to this title shall not be used is connection with religious worship or sectarian instruction.

ELIGIBLE GRANT RECIPIENTS

SEC. 103. To be eligible for assistance under this title, a tribally controlled community college must be one which—

(1) is governed by a board of directors or board of trustees a majority of which are Indians;

(2) demonstrates adherence to stated goals, a phi-

losphy, or a plan of operation which is directed to meet the needs of Indians; and

(3) if in operation for more than one year, has students a majority of which are Indians.

TECHNICAL ASSISTANCE CONTRACTS

SEC. 104. The Secretary shall provide, upon request, technical assistance to tribally controlled community colleges either directly or through contract. In the awarding of contracts for technical assistance, preference shall be given to an organization designated by the tribally controlled community college to be assisted.

FEASIBILITY STUDIES

SEC. 105. (a) The Secretary is authorized to enter into an agreement with the Assistant Secretary of Education of the Department of Health, Education, and Welfare to assist the Bureau of Indian Affairs in developing plans, procedures, and criteria for conducting the feasibility studies required by this section. Such agreement shall provide for continuing technical assistance in the conduct of such studies.

(b) The Secretary, within thirty days after a request by any Indian tribe, shall initiate a feasibility study to determine whether there is justification to encourage and maintain a tribally controlled community college, and upon a positive determination, to aid in the preparation of grant applica-

tions and related budgets which will insure successful operation of such institution.

(c) Funds to carry out the purposes of this section for any fiscal year may be drawn from either—

(1) general administrative appropriations to the Secretary made after the date of enactment of this Act for such fiscal year; or

(2) not more than 10 per centum of the funds appropriated to carry out section 106 for such fiscal year.

GRANTS TO TRIBALLY CONTROLLED COMMUNITY COLLEGES

SEC. 106. (a) Grants shall be made under this title only in response to applications by tribally controlled community colleges. Such applications shall be submitted at such time, in such manner, and will contain or be accompanied by such information as the Secretary may reasonably require pursuant to regulations. The Secretary shall not consider any grant application unless a feasibility study has been conducted under section 105 and it has been found that the applying community college will service a reasonable student population.

(b) The Secretary shall consult with the Assistant Secretary of Education of the Department of Health, Education, and Welfare to determine the reasonable number of students required to support a tribally controlled community

college. Consideration shall be given to such factors as tribal and cultural differences, isolation, the presence of alternate education sources, and proposed curriculum.

(c) Priority in grants shall be given to institutions which are operating on the date of enactment of this Act and which have a history of service to the Indian people. In the first year for which funds are appropriated to carry out this section, the number of grants shall be limited to not less than eight nor more than fifteen.

(d) In making grants pursuant to this section, the Secretary shall, to the extent practicable, consult with national Indian organizations and with the tribal governments chartering the institutions being considered.

(e) The Secretary shall report to Congress on January 15 of each year the current status of tribally controlled community colleges and his recommendations for needed action.

AMOUNT OF GRANTS

SEC. 107. (a) Except as provided in section 110, the Secretary shall, for each academic year, grant to each tribally controlled community college having an application approved by him, an amount equal to $125,000 plus $3,500 for each full-time equivalent Indian student in attendance at such institution during such academic year, as determined by

the Secretary in accordance with such regulations as he may prescribe.

(b) The Secretary may make payments pursuant to grants under this title in advance installments not to exceed 80 per centum of the funds available for allotment based on anticipated or actual numbers of full-time equivalent Indian students or such other factors as determined by the Secretary. Adjustments for overpayments and underpayments shall be applied to the remainder of such funds and such remainder shall be delivered no later than July 1 of each year.

EFFECT ON OTHER PROGRAMS

SEC. 108. Except as specifically provided in this title, eligibility for assistance under this title shall not, by itself, preclude the eligibility of any tribally controlled college to receive Federal financial assistance under any program authorized under the Higher Education Act of 1965 or any other applicable program for the benefit of institutions of higher education, community colleges, or postsecondary educational institutions.

APPROPRIATIONS AUTHORIZED

SEC. 109. (a) (1) There are authorized to be appropriated, for carrying out section 106, $25,000,000 for each of the first two fiscal years beginning after the date of enact-

ment of this title and $30,000,000 in the third fiscal year beginning after such date.

(2) There are authorized to be appropriated $3,200,000 for each of such three fiscal years, for the provision of technical assistance pursuant to section 104.

(b) Unless otherwise provided in appropriations Acts, funds appropriated pursuant to this section shall remain available until expended.

GRANT ADJUSTMENTS

SEC. 110. (a) If the sums appropriated for any fiscal year for grants under this title are not sufficient to pay in full the total amounts which approved grant applicants are eligible to receive under this title for that fiscal year, the amounts which such applicants are eligible to receive under this title for such fiscal year shall be ratably reduced. In case additional funds become available for making such payments for the same fiscal year, such reduced amounts shall be ratably increased. Sums appropriated in excess of the amount necessary to pay in full such total eligible amounts shall be allocated by ratably increasing such total eligible amounts.

(b) In any fiscal year in which the amounts for which grant recipients are eligible have been reduced under the first sentence of subsection (a) of this section, and in which additional funds have not been made available to pay in

full the total of such amounts under the second sentence of such subsection, each grantee shall report to the Secretary any unused portion of received funds ninety days prior to the grant expiration date. The amounts so reported by any grant recipient shall be made available for reallocation to eligible grantees on a basis proportionate to the amount which is unfunded as a result of the ratable reduction, except that no grant recipient shall recieve more than the amount provided for under section 106(a) of this title.

REPORT ON CURRENT FACILITIES

SEC. 111. The Secretary shall, not later than ninety days after the date of enactment of this Act, prepare and submit a report to the Congress containing a survey of existing and planned physical facilities of tribally controlled community colleges, including in his report a survey of Bureau of Indian Affairs existing and planned facilities which may be used for tribally controlled community colleges without disruption of current Bureau programs.

MISCELLANEOUS PROVISIONS

SEC. 112. (a) The Navajo Tribe shall not be eligible to participate under the provisions of this title.

(b) (1) The Secretary shall not provide any funds to any institution which denies admission to any Indian student because such individual is not a member of a specific Indian tribe, or which denies admission to any Indian

student because such individual is a member of a specific tribe.

(2) The Secretary shall take steps to recover any unexpended and unobligated funds provided under this title held by an institution determined to be in violation of paragraph (1).

RULES AND REGULATIONS

SEC. 113. (a) Within four months from the date of enactment of this Act, the Secretary shall, to the extent practicable, consult with national Indian organizations to consider and formulate appropriate rules and regulations for the conduct of the grant program established by this title.

(b) Within six months from the date of enactment of this Act, the Secretary shall publish proposed rules and regulations in the Federal Register for the purpose of receiving comments from interested parties.

(c) Within ten months from the date of enactment of this Act, the Secretary shall promulgate rules and regulations for the conduct of the grant program established by this title.

TITLE II—CONSTRUCTION GRANTS

STUDY OF FACILITIES NEEDS

SEC. 201. The Secretary shall conduct a detailed survey and study of the academic facilities needs of tribally controlled community colleges and shall report to the Congress

not later than November 1, 1979, the results of such survey and study. Such report shall include any recommendations or views submitted by the governing body of any such college and by the governing body of the tribe, and shall include detailed recommendations by the Secretary as to the number and type of academic facilities which are required, ranking each such required facility by relative need.

PLANNING GRANTS

SEC. 202. The Secretary is authorized to make grants to the governing body of tribally controlled community colleges for the preparation of construction plans for academic facilities determined to be required under section 201. The Secretary shall provide each grant recipient with such technical services and facilities as may be available to him. The Secretary shall periodically review the development of such plans and shall advise the grant recipient concerning the suitability of such plans for purposes of section 203.

CONSTRUCTION GRANTS

SEC. 203. (a) The Secretary is authorized, in accordance with this section, to make grants to tribally controlled community colleges for the construction of academic facilities. Such grants shall, from the sums available therefor, be allocated, to the extent practicable, in accordance with relative needs as established under section 201 among those

tribally controlled community colleges having construction plans approved under subsection (c).

(b) The Secretary shall receive applications for grants under this subsection containing such information or assurances as he may by regulation prescribe to assure efficient and capable performance of the work proposed and to assure use of each academic facility for educational purposes for a period of not less than twenty years. Such application shall include a proposed construction plan which shall specify—

(1) the academic facility to be constructed;

(2) the estimated cost of such facility;

(3) the stages of construction and a schedule for completion of each stage;

(4) the capacity of such facility described by number of students to be served and the number and type of uses for which such facility will be used; and

(5) the labor and materials requirements for the construction of such facility and the extent to which such labor and facilities can be drawn from the local community.

(c) The Secretary shall review applications and plans submitted by a tribally controlled community college under subsection (b) and shall approve any such application and plan which—

(1) is for the construction of an academic facility for which funds are available under subsection (a);

(2) contains the information, assurances, and specifications required by subsection (b);

(3) the Secretary determines will contribute, in a significant and timely fashion, to the development of such tribally controlled community college; and

(4) has been reviewed and not disapproved by the governing board of the tribe.

(d) The Secretary shall have access to the books and records of any recipient of a grant under this section, and to the books and records of any contractor or subcontractor peforming work with funds made available by such grant, for the purpose of auditing the efficiency and economy of the work in progress.

DEFINITIONS

SEC. 204. As used in this title, the terms "academic facilities" and "construction" have the meanings set forth in section 782 of the Higher Education Act of 1965 except that any determination required to be made under such section by the Secretary of Health, Education, and Welfare or by the Commissioner of Education shall be made for purposes of this title by the Secretary of the Interior.

AUTHORIZATION

SEC. 205. There are authorized to be appropriated for each of the three fiscal years beginning after the date of enactment of this Act, such sums as may be necessary to carry out this title.

MISCELLANEOUS PROVISIONS

SEC. 206. (a) The Navajo Tribe shall not be eligible to participate under the provisions of this title.

(b) (1) The Secretary shall not provide any funds to any institution which denies admission to any Indian student because such individual is not a member of a specific Indian tribe, or which denies admission to any Indian student because such individual is a member of a specific tribe.

(2) The Secretary shall take steps to recover any unexpended and unobligated funds provided under this title held by an institution determined to be in violation of paragraph (1).

TITLE III—NAVAJO COMMUNITY COLLEGE

SHORT TITLE

SEC. 301. This title may be cited as the "Navajo Community College Assistance Act of 1977".

CONGRESSIONAL FINDINGS

SEC. 302. The Congress after careful study and deliberation, finds that—

(1) the Navajo Tribe constitutes the largest American Indian tribe in the United States;

(2) the Navajo Tribe has, through its duly constituted tribal council and representatives, established a community college within the boundaries of the reservation;

(3) the population of the Navajo Tribe and the vast area of the Navajo reservation requires that the Navajo Community College expand to better serve the needs of such population; and

(4) the Congress has already recognized the need for this institution by the passage of the Navajo Community College Act.

AMENDMENT

SEC. 303. Section 4 of the Navajo Community College Act (25 U.S.C. 640c) is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 4. (a) For the purpose of making construction grants under this Act, there are hereby authorized to be appropriated a total of $60,000,000 for the three fiscal years beginning after the date of enactment of the Navajo Community College Assistance Act of 1977.

"(b) There is further authorized to be appropriated for grants to the Navajo Community College, for each fiscal

year described in subsection (a), for operation and maintenance of the college, an amount equal to $125,000 plus $3,500 for each full-time equivalent Indian student which the Secretary of the Interior estimates will be in attendance at such College during such year.

"(c) The Secretary of the Interior is authorized and directed to establish by rule procedures to insure that all funds appropriated under this Act are properly identified for grants to the Navajo Community College and that such funds are not commingled with appropriations historically expended by the Bureau of Indian Affairs for programs and projects normally provided on the Navajo Reservation for Navajo beneficiaries. No grant shall be made in excess of $125,000 plus $3,500 for each full-time equivalent Indian student in actual attendance at such college.

"(d) Sums appropriated pursuant to subsection (a) for construction shall remain available until expended.".

Mr. FORD. Two members of this subcommittee have been extremely active in promoting this legislation. Congressman Blouin has chaired a task force with authority from Mr. Perkins' subcommittee and this subcommittee to proceed in developing a record as to special education needs among Native Americans. The interest of Congressman Quie on this subject is not a new one. It's one I have heard Congressman Quie expressing ever since I came on the committee 14 years ago. He has been participating with Congressman Blouin in developing the record for this and other legislation.

I will yield first to Mr. Blouin, then to Mr. Quie, for their comments at this point in the record.

Mr. BLOUIN. I will be very brief, because I think what the witnesses have to say is very important.

I want to thank you for agreeing to hold this hearing. This legislation speaks to vital needs among our Indian community in this country. The hearings will establish the need for expeditious movement of the legislation.

I again want to thank you for finding time, in what has been an unusually hectic spring, to have this hearing on this subject.

Mr. FORD. Thank you. Mr. Quie.

Mr. QUIE. Thank you, Mr. Chairman.

I am pleased we are holding this hearing, because in working, especially with Mr. Blouin, some of the ideas I had before have proven to be the case. The Federal Government does have a particular responsibility toward Indians on reservations which we don't have toward anyone else in the country.

Indians on reservations are quasi-sovereign, and people of the United States have a special fiduciary responsibility toward them.

We are dealing here with legislation which I wouldn't support for other colleges and universities in the Nation, but this being unique and different, I support the idea of grants and direct assistance to Indian colleges.

Also, a philosophy I have had has been borne out again in hearings that Mr. Blouin and I have conducted. That is that if the U.S. Government only does to Indians what they think is best for Indians, we will never have much success. There must be the involvement of Indians in their own betterment as to education and decisionmaking, by themselves.

That's the move that we made as to legislation regarding elementary and secondary education, which was reported out of the Education and Labor Committee.

My hope is that will be the conclusion reached in higher education as to Indians, as well.

Mr. FORD. Thank you, Mr. Quie. On behalf of the committee I would like to thank you and Mr. Blouin for arranging the witness list for these hearings and suggesting the witnesses who would be most able to inform the committee of this legislation.

This morning we have a panel consisting of: Mr. Leroy Clifford, executive director, American Indian Higher Education Consortium; Lance Lujan, Indian Education, National Education Association, Washington, D.C.; Thomas Shortbull, president, Oglala Sioux Community College; and Joe McDonald, director, Native American programs, Flathead Valley Community College, Kalispell, Montana.

Did I miss anyone?

Mr. BORDEAUX. I am Lionel Bordeaux, president, Sinte Gleska College, Rosebud, S. Dak.

Mr. FORD. Without objection, the prepared testimony by witnesses will be introduced in the record extemporaneously with the testimony of the witnesses.

Mr. Lujan, I notice they are going to throw the lobbyists at us first.

STATEMENTS OF LANCE LUJAN, INDIAN EDUCATION, NATIONAL EDUCATION ASSOCIATION, WASHINGTON, D.C.; LEROY CLIFFORD, EXECUTIVE DIRECTOR, AMERICAN INDIAN HIGHER EDUCATION CONSORTIUM; THOMAS SHORTBULL, PRESIDENT, OGLALA SIOUX COMMUNITY COLLEGE, PINE RIDGE, S. DAK.; JOE McDONALD, DIRECTOR, NATIVE AMERICAN PROGRAMS, FLATHEAD VALLEY COMMUNITY COLLEGE, KALISPELL, MONT.; AND LIONEL BORDEAUX, PRESIDENT, SINTE GLESKA COLLEGE, ROSEBUD, S. DAK.

STATEMENT OF LANCE LUJAN

Mr. LUJAN. You blew my whole thing.

The National Education Association appreciates this opportunity to express our views on and support for the pending legislation before this subcommittee, H.R. 9158, a bill to provide grants to tribally controlled community colleges and to set out a clear legislative mandate on this issue.

The development of community colleges for Indian students should not be considered a new or novel idea. Rather, it should be viewed as a natural progression as Indian people seek to provide educational services to their young people.

In the past, Indian people have experienced a low success rate among their college-bound youth. The reasons for this low success rate are many, culture shock and insensitivity of the established system of higher education, among others. Moreover, there have been many Indian young people who preferred to stay near their homes.

It seems only logical that tribes and those groups interested in postsecondary education would begin to seek new and different educational alternatives for those who want to advance their postsecondary education. This concern for developing the potential of students who have struggled at postsecondary institutions and for providing the opportunity for future students who may want to progress to postsecondary education has led to the establishment of community-based postsecondary schools. This proposed bill addresses that need.

The Association supports the three primary purposes of H.R. 9158.

One, it will provide funds for existing tribally-controlled community colleges to continue and improve their current programs, as well as provide for future planning grants.

Two, it will provide clear legislative language to the administering agency which up until now, because of a lack of clear direction and adequate funds, has justified these community college programs with ambiguous language.

Three, it will provide that the control of such colleges remain with the given tribal government and will insure that each college will have a board of directors, a majority of whom are Indians.

Among other important provisions is section 105, authorization for feasibility studies. This section will provide for those tribes which may in the future wish to study the possibility of establishing a postsecondary institution to do so in a logical manner, instead of just groping for direction.

Title II of H.R. 9158 calls for a study of the facilities that are needed by tribally-controlled community colleges. The Association supports such an effort. We hope that this study will be completed on time and that it will be made public.

All the sections of title II, construction grants, indicate that much thought and planning has gone into the development of this bill.

There have been questions raised as to whether this bill would encourage segregation of the institutions or would set precedents for other minority groups to establish their own colleges.

The bill contains safeguards against segregation of the institutions. Language clearly directs that the institutions have open admission policies. This would lead the institutions to become assets to their total communities by providing the opportunity for education to all.

Nor will H.R. 9158 set the feared precedent. It merely extends and expands education services already provided by BIA for the tribes. The Federal Government has a long history of providing these services.

What is precedent, in our view, is the clear mandate that this bill gives to BIA, the expression of congressional commitment to support tribally-controlled community colleges.

It is our understanding that extensive hearings were held on this bill in the Senate in addition to hearings held by the study group on Indian education, and is now before the Postsecondary Subcommittee. Moreover, H.R. 9158 has received the scrutiny of tribal governments, interested Indian organizations, and the education community and, much to my amusement, all are in agreement on the components of this bill. NEA stands ready to assist the Congress in enacting this legislation.

Mr. FORD. Thank you. If it's all right with the committee, we will proceed with each of the members of the panel, then open the questions to all of them.

Who will proceed next?

STATEMENT OF LEROY CL'FFORD

Mr. CLIFFORD. I will.

The American Indian Higher Education Consortium was formed in October 1972 by six Indian community colleges with a view toward mobilizing a concerted effort to deal with developmental problems common to them all. By 1974, membership in the Consortium had grown to 12. As of April 1978, there are 16 tribally chartered colleges comprising the AIHEC membership.

These institutions are 2-year community colleges offering degree programs at the associate-of-arts level. They are in varying stages of development and their needs differ accordingly. However, they

all have definite similarities: they are tribally chartered; their government boards are comprised of Indian people; their student bodies are predominantly Indian; they are in isolated locations; they actively reinforce unique tribal cultures while offering pragmatic curricula geared to contemporary lifestyles; and they are community-service oriented.

As relatively new institutions, they remain isolated from the mainstream of higher education in this country and are struggling for survival. They are small and lack complexity. However, the educational processes and concepts they represent are the most modern available, while at the same time reflecting a unique tribally based approach to community-oriented education.

The possession and control of one's own educational system is vital to the development and survival of a people. The experience of other nationalities and groups throughout the world indicates that a people must possess their own school system in order to survive and advance. If American Indian tribes are to survive as a people, they must develop and control their own schools, including higher education institutions. This, in its simplest form, is the basic reason for AIHEC colleges' existence.

We have looked at other examples of ethnic groups who have their own universities. For example, the blacks have Howard; the Jews, the Yeshiva——

Mr. QUIE. The Norwegians have St. Olaf.

Mr. CLIFFORD. The current membership of our consortium totals 16. These colleges are located in States across the country, Alaska, California, North Dakota, and South Dakota. The overall goal of the consortium, as stated in the articles of incorporation, are to promote, foster, and implement programs for American Indians, Eskimos, and Alaskan Natives.

The organizational structure of the consortium is that we maintain a central office based in Denver. A central office there serves as a primary technical center to provide services for our colleges. The consortium provides services in the area of curriculum development, human resources development, and research.

At this point, I would like to turn my testimony to look at some of the characteristics of the tribally-controlled community colleges. First of all, as I mentioned earlier, the community colleges are chartered by their respective tribal governments. Why is this important? This is important because, as Mr. Quie pointed out, the tribes are quasi-sovereign nations. As such, the chartering of the community college is an exercise of this authority as a tribal sovereign government.

Second, it's important because the tribes, for once, are beginning to accept their responsibility for the education of our own people.

Third, the tribe is taking control over its own destiny. It is beginning to map out and determine plans for the development of human resources on the reservation.

Another characteristic is that the governing boards are comprised of Indian people. Non-Indians are eligible to sit on the Indian college boards of trustees. Thus, there is a vehicle for non-Indian representation on the boards of these community colleges.

Student bodies of these colleges are predominantly Indian. However, it's important to point out that the Indian colleges have ver-

open admissions policies. The Indian colleges don't discriminate against any person, regardless of race, creed, sex, or ethnic origin. Non-Indians do attend these colleges, because in many instances in their own communities they have no community colleges of their own. So it is not unusual to see on the campus of any of these colleges non-Indians and Indians attending college together.

Another important characteristic is that at the tribally-controlled colleges all of the offerings are accredited. These colleges are tribally based and they emphasize community-oriented education.

An important fact also is the fact these are tangible examples of true Indian self-determination.

At this point I would like to turn and look at some of the impacts of the community colleges on the tribal community.

First of all, we will look at some of the economic benefits which accrue to both Indians and non-Indians alike. The community college is serving as a stimulant to local Indian communities. It's providing jobs for both Indians and non-Indians in the institutions. Many of the instructors in these institutions are non-Indian. It brings revenue into the community which can help stimulate development.

Some of the educational benefits are, it provides local educational training of Indian people, thereby eliminating the fact that Indian people are being forced to leave the reservation to gain access to these higher-education opportunities. Therefore, it is providing an alternative. It is providing education and training to tribal council men and women who are governing our tribes and upgrading their skills. This results in strengthening of tribal leadership, which leads to the strengthening of tribal governments and ultimately to the strengthening of the quasi-sovereign element of Indian tribes.

Most importantly, the community colleges are serving as a motivational force providing motivational achievement for the entire Indian community.

Under social impacts, oftentimes it serves as a focal point for community social activities and events.

That covers some of the impacts we see happening as a result of having the community colleges on the reservations.

I will now turn to some of the developmental problems that Indian colleges are facing.

Why do our colleges need legislation? First of all, some of you know, Indian tribes suffer from some of the same problems that rural communities suffer from. Indian tribes lack a tax base from which to generate revenue to help support these colleges. Indian colleges lack endowments and other forms of stable funding which non-Indian institutions have access to. Our colleges depend on year-to-year grants from Federal sources. This makes it hard for the colleges to maintain their accreditation without a stable financial base.

BIA funding and title III funding has not been sufficient to assist the colleges in covering a lot of their basic costs. Student tuition such as in non-Indian institutions doesn't come anywhere near to covering the cost of education for Indians on reservations. Not only that, but what is important is that the colleges are so isolated that

the costs of running an institution in a rural area because of considerations such as location, distance, transportation, makes it very difficult to find funding to run these institutions. The States have tended to take the position of little or no support for our institutions. Existing non-Indian colleges and communities are reluctant to extend themselves in the hinterlands because of the distance factor. Obviously, the greater the distance, the greater the cost.

I would like to cite an example. On our reservation in Pine Ridge, S. Dak., in 1971, the tribe after several years of trying to get the Brookings State College to extend services to the reservation, took it upon themselves to contract for the funds that were going into that institution so we could get the services out to the reservation. One of the problems with the institution not extending itself, when we checked into it, was that of distance.

As far as higher education is concerned, the States feel they have no responsibility to extend courses to the reservation. In some cases, colleges are working with universities and colleges and we are making a breakthrough into this area. But there is an attitude which prevails at the county and state level that whenever Indian people approach these levels of government for funding, the answer is "The Federal Government has the responsibility to address your higher education needs; therefore, you should go to the Federal Government."

Those attitudes aren't going to change overnight.

Moving on to the trust responsibility, the justification we have for enactment of this legislation. If you look at legislative analysis of the treaty and trust responsibility, there is a long history of treaties, all of which have addressed education of Indians. If you look at the history of the Federal Government and the administrative decisions which have been made over time, the Federal Government over time has enacted a huge body of legislation which has provided help for these institutions. Nowhere in the Johnson-O'Malley Act, and others, is there mention that the Federal Government is dealing with Indian tribes on the basis of racial considerations.

Another important law is the Indian Education Act. In that specific act, it points out the Federal Government recognizes the uniqueness of Indian people, not on a racial or ethnic basis, but based on the treaty responsibilities and trust responsibility. Some of the mandates in that law are that the Federal Government is to provide a vehicle for maximum Indian participation in the development of higher educational institutions.

These are just a few examples of legislation which has been passed for Indian tribes which is intended to uphold our treaties and trust responsibilities, yet provide a vehicle so that we, as Indian people, can become more involved in the operation of our higher educational institutions. These colleges are real examples of Indian tribes attempting to take the reins of control in running our own educational systems.

I would like to cite one important court case which I think brings home strongly the point that the courts have interpreted that the responsibility of the Federal Government to the tribes is not based on racial criteria, but rather other criteria. *Morton* v. *Mancari*

dealt with Indian preference. The Indian people who brought this before the courts were arguing that Indian preference applied to—in the employment environment—applied to Indians not because of their racial or ethnic background, but because of other considerations. The courts ruled that Indian preference was not a racial matter, because in treaties, the courts, as well as the Congress, had recognized the Indians as distinct political bodies rather than a racial group.

Mr. BLOUIN [presiding]. We will have to recess at this point. [Recess.]

Mr. FORD [presiding]. Mr. Clifford, you may proceed.

Mr. CLIFFORD. Mr. Chairman, in concluding my remarks, I would like to point out that first of all, in the Indian community college environment as well as the non-Indian community college environment, that bill is noncontroversial. We have the support of Indian tribes throughout the Nation, unanimous support from the tribes and national Indian organizations. We have resolutions of support from the Old West Regional Division, as well as support from the Governors of New Mexico and Arizona. We also had the American Association of Community Colleges testify in the past in support of this legislation.

Finally, I have a resolution of support from the Intertribal Council of Michigan, which I would like to submit for the record. These are American Indian tribes in your home State which have gone on record as a coalition supporting our organization. Based on this support, we ask your consideration in terms of acting on this bill favorably.

Thank you very much.

Mr. FORD. Without objection, this will be entered in the record with the testimony submitted by Mr. Clifford.

[The testimony of Leroy Clifford follows:]

Testimony Submitted by Leroy Clifford, Executive Director, American Indian Higher Education Consortium

Mr. Chairman, members of the Subcommittee, my name is Leroy Clifford. I am the Executive Director of the American Indian Higher Education Consortium staff. I appreciate the opportunity to testify on behalf of the member colleges of the Consortium.

Mr. Chairman, as you know, this hearing culminates a long process of congressional review in terms of hearings with regard to the Tribally-Controlled Community College Assistance Act now under consideration. Over the years since similar legislation was first introduced we have worked diligently to respond to the Congress in providing information and data to support the need for this Bill. The cumulative hearing record in both the Senate and the House, we feel, is clear in outlining the need and rationale for this legislation. Throughout the hearing process we have consistently cited Public Law 93-638, Title II, Section 203.4, as our point of departure in terms of establishing a beginning legislative reference leading to the need for this Bill. Under that section, Public Law 93-638 directs the Secretary of the Interior to submit a report to Congress including, among other things, "a specific program, together with detailed legislative recommendations, to assist the development and administration of Indian-controlled community colleges." Mr. Chairman, we can only point out once again that such a report has never been submitted even though it was due on October 1, 1975. In the meantime, with the understanding and assistance of Members of Congress the tribally-chartered community colleges have kept the issue alive and the need visible in part through hearings such as this one.

Since the early years of this legislative process, the need has become greater while funding sources remain limited. This, really, is the crux of why we are here today and what we have been talking about over the years.

There is a definite need. The American Indian Tribes and Alaskan Natives who have begun to chart their own on-reservation postsecondary education initiatives via the community college route are asking the U. S. Congress for assistance through the processes of authorizing legislation and subsequent appropriations. On behalf of these colleges our organization is proud to have played a part in attempting to provide relevant information and data to support the growing need. At this point, I would like to breifly summarize or trace the salient aspects of information we have provided previously because we feel it is important for inclusion in the record of today's hearing.

The American Indian Higher Education Consortium was formed in October 1972 by six Indian community colleges with a view toward mobilizing a concerted effort to deal with developmental problems common to them all. By 1974, membership in the Consortium had grown to 12. As of April 1978, there are 16 tribally-chartered colleges comprising the AIHEC Membership.

These institutions are two-year community colleges offering degree programs at the Associate of Arts level. They are in varying stages of development and their needs differ accordingly. However, they all have definite similarities: they are tribally-chartered; their governing boards are comprised of Indian people; their student bodies are predominately Indian; they are in isolated locations; they actively reinforce unique tribal cultures while offering pragmatic curricula geared to contemporary lifestyles; and they are community service oriented.

As relatively new institutions, they remain isolated from the mainstream of higher education in this country and are struggling for survival. They are small and lack complexity. However, the educational processes and concepts they represent are the most modern available while at the same time reflecting a unique tribally-based approach to community oriented education.

The possession and control of one's own educational system is vital to the development and survival of a people. The experience of other nationalities and groups throughout the world indicates that a people must possess their own school system in order to survive and advance. If American Indian tribes are to survive as a people, they must develop and control their own schools including higher education institutions. This, in its simplest form, is the basic reason for AIHEC colleges' existence.

These colleges represent a new dimension in the field of higher education for American Indians and Alaskan Natives. They are a tangible example of self-determination, a term that signifies the contemporary era of programs for Indians by Indians. Keeping pace with changing times, these colleges reflect a heightened awareness among Indian tribes of their responsibility to chart their own directions in postsecondary education. As new schools, they provide a framework for innovative action. They provide realistic access to college level instruction not available otherwise on the reservations.

From the beginning of their existence, tribally-chartered community colleges have faced an uphill struggle in dealing with their developmental problems. Central to the issue is their lack of endowments or other forms of stable funding for basic operational costs. For the most part, these schools must depend on year-to-year grants mainly from federal government sources as well as private funding agencies. However, such "soft money" is highly unstable and inhibits effective long-range planning and other regular management functions. Total financial support from limited Tribal resources is unrealistic; and in view of their status as tribally-controlled institutions, the respective states have tended to take a position of little or no support in terms of funding.

Consequently, the AIHEC organization has looked to the federal government for a stable funding base. Lacking clear legislative authority in terms of specific language to provide assistance, the Bureau of Indian Affairs gives only minimal support to three colleges (Oglala Sioux Community College, Sinte Gleska College, and Turtle Mountain Community College) through the BIA's "Band analysis" budgeting process and to Navajo Community College through authority of the Navajo Community College Act, P. L. 92-189.

Thus, the Consortium was greatly encouraged when the U. S. Congress took a leadership role in expanding and clarifying the government's mandate to assist these colleges through appropriate enabling legislation. This effort has resulted in passage of S.1215, the "Tribally Controlled Community College Assistance Act of 1977" during the 1st Session of the 95th Congress, and introduction of a companion Bill in the House, H. R. 9158, now H. R. 11104 which is pending.

Enactment of this legislation, with support of the Executive Branch, will be a landmark in contemporary American Indian and Alaskan Native postsecondary education and will stand as a positive indication of the government's commitment to the concept of Indian self-determination and betterment of Indian lives through higher education. It will enable those eligible Tribes and their institutions to move forward with confidence in their educational future and will deal decisively with the needs of tribally-chartered colleges in their continued development, operation, and improvement.

The tribally-controlled community colleges presently in existence today each derive their authority from the charters which the tribes enact to formally establish the governing body of each specific college. The charters spell out for each institution and governing body, the specific mission, goals and objectives, and responsibilities. In effect, the charters outline the derived

authority of each institution, i.e., their legal right to operate as subtribal entities, or in the language of P. L. 93-638, as "Indian organizations." As such, a tribal college may be authorized by the tribal council to borrow money and to mortgage (if it owns property) like any other corporate body.

In deriving such authority from the authority of the tribal government and the inherent tribal sovereignty, the charters have the effect of enhancing and promoting tribal sovereignty. For example, the various regional accrediting agencies, as a precondition for eligibility for accreditation, state that an institution "has a charter and/or formal authority from an appropriate governmental agency". The tribal charters of those colleges, which are now accredited or are candidates for accreditation, are recognized by the regional associations as possessing equal authority as state charters for state universities.

The tribes, in recognition of the primary mission of the tribal colleges as being to strengthen tribal government, give the colleges the opportunity to develop through continuity and consistency in long-range planning and program implementation. The tribe and the tribal charter thus provides an environment for their educational institutions to have the academic freedom and on-going stability that is vital to the educational function.

It is of utmost importance that tribes are the ones who establish colleges and consequently possess the ultimate and final authority.

The basic concept of federal support for Indian institutions is rooted in the trust responsibility of the United States government for Indian tribes. Historically, the Snyder Act (25 U.S.C. 13) authorized the Bureau of Indian Affairs to "direct, supervise and expend such monies as Congress may appropriate for the benefit, care and assistance of the Indians for the following purposes: general support and civilization, including education."

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Public Law 93-638, "The Indian Self-Determination and Educational Assistance Act of 1975", further delineates this authority to mean that Indian tribes may contract directly with the Bureau of Indian Affairs to administer these programs and services themselves.

Section 203(4), Title II of P.L. 93-638, mandated the Secretary of Interior to prepare and submit to Congress by October 1, 1975, "n specific program, together with detailed legislative recommendations, to assist the development and administration of Indian-controlled community colleges."

Clearly the precedent exists for federal support for Indian institutions. Such institutional support is not based on racially determined criteria but on legal agreements made between the United States and Indian Tribes.

The relationship between the U. S. government and American Indian tribes is like no other relationship between a modern nation and the aboriginal inhabitants of the lands occupied by such nations. It is a unique relationship. It is a relationship which has fostered "special" privileges as well as special disabilities for members of Federally recognized Indian tribes. Such status, which incurs benefits as well as disabilities, is recognized by recent decisions of the United States Supreme Court. The general thrust of these decisions has been that in dealing with legal cases concerning Indian tribes, the United States does not view Indians as a racial class but rather as a political class. This philosophy is at the heart of legal arguments underlying legislation such as that being discussed in this hearing. Moreover, H. R. 11104 is consistent with the federal responsibility for Indian education. Indian-controlled community colleges are locally based and tribally chartered. As such they are within the spirit of present federal Indian policy as exemplified by P. L. 93-638, the Indian Self-Determination and Educational Assistance Act.



INTER-TRIBAL COUNCIL OF MICHIGAN, INC.

405 East Easterday Avenue Sault Ste. Marie, Michigan 49783
Phone 906-632-6896

RESOLUTION NO. 78-00009

WHEREAS: The Inter-Tribal Council of Michigan, Inc., is a duly organized governing body under state charter, filed April 16, 1968, and

WHEREAS: The Inter-Tribal Council of Michigan, Inc., is located at 405 E. Easterday Avenue, Sault Ste. Marie, Michigan 49783, and

WHEREAS: Article II of the Articles of Incorporation established a joint Tribal organization representing the four (4) reservations of Michigan, these being: Bay Mills Indian Community, Hannahville Indian Community, Keweenaw Bay Indian Community, and the Saginaw Chippewa Tribe, and

WHEREAS: The Bureau of Indian Affairs is mandated by Section 203.4 of Public Law 93-638, Indian Self-Determination and Educational Assistance Act to assist tribal governments in the development and administration of the Indian-controlled community colleges, and

WHEREAS: The Bureau of Indian Affairs presently provides assistance to only 5 of 18 tribally-chartered community colleges now in existence which is grossly inadequate, and

WHEREAS: H. R. 9158 which would provide basic support to tribally controlled community colleges is presently pending in the U. S. House of Representatives, and

WHEREAS: Indian organizations and tribes have expressed positions of solidarity on the need for specific authority for the funding of tribally-controlled, sanctioned, and chartered Indian community colleges and have expressed such support at their annual meetings and/or conventions,

NOW THEREFORE BE IT RESOLVED: The Inter-Tribal Council of Michigan, Inc., recognizes the need for Indian Community Colleges and urges the support of legislation to assist in the development and administration of tribally-controlled community colleges.

Bay Mills Reservation
Brimley, Michigan 49715

Keweenaw Bay Reservation
L'Anse, Michigan 49946

Isabella Reservation
Mt. Pleasant, Michigan 48858

Hannahville Reservation
Wilson, Michigan 49896

BE IT FURTHER RESOLVED: That upon enactment of this legislation, funding shall be made available to any Tribally-chartered division or government or tribally-chartered institution or upon request of the tribe or tribes.

BE IT FURTHER RESOLVED: That Inter-Tribal Council of Michigan urges that additional funds be made available at the earliest possible date to those tribally-chartered colleges in desperate need to allow them expansion plans, and to continue their present programs.

CERTIFICATION

The foregoing resolution was duly adopted by the Board of Directors of Inter-Tribal Council of Michigan, Inc., with a quorum present during (Regular, Special) session on this 28th day of February, 1978, by a vote of 3 for 0 opposed, and 0 abstaining.

Frederick Dakota
Chairman of the Board
Inter-Tribal Council of Michigan, Inc.

STATEMENT OF THOMAS SHORTBULL

Mr. SHORTBULL. Mr. Chairman and members of the committee. As President of the Oglala Sioux Community College, I am pleased to submit the following testimony for your consideration in support of H.R. 11104, a bill to provide grants to tribally controlled community colleges.

The Indian community colleges have worked many years for the passage of this bill, and it is encouraging that this committee might pass the necessary legislation for a reliable source of funding for the Indian colleges.

The Oglala Sioux Community College was founded by tribal council initiative on the Pine Ridge reservation in 1970 as the Nation's second Native American-controlled college. Attended by neither the money or attention of Federal and State agencies and private foundations, its birth came from sheer drive to create a needed institution for the growth of the Oglala Sioux as a people, and the willingness to patch together whatever resources lay at hand to do so. The mission of the college with its subsequent growth and development partakes of that original tribal determination to provide whatever higher education programs and resources will sustain and advance the Oglala Sioux community. The college has consistently seen this mission as best served by seeking to provide training for students which, while serving their own individual and economic needs, also prepares them to serve their people with full awareness of Lakota culture and the issues and problems confronting contemporary tribal society.

With the passage of Public Law 93-638, Congress has made it a policy that India tribes would be allowed to manage their own affairs. However, ongress is recently being asked to reshape its policy toward Indian tribes through various anti-Indian bills. Rather then destroying its unique relationship with Indian tribes, it appears to me that Congress would want to look at means which could strengthen tribal governments. Indian community colleges can assist the tribes in its management capabilities by training Indian people to have the technical skills which are now necessary on the Indian reservations. Therefore, Indian community colleges

should be thought of as a positive vehicle for change on the reservations.

Enrolling 150 part-time students in 1970, the Oglala Sioux Community College has averaged over the last 4 years 368 students with a full-time equivalent of 295. The majority of the students are women averaging around 250 students, and the student body is primarily those over 25 years old. Of the 368 students, 13 percent are non-Indians, which equates to the population of the reservation. Although the community college is primarily intended for Indian people, the doors are open to any student who wishes to take courses with the college. In fact, the college encourages non-Indian people from the reservation and surrounding areas to take classes in the Lakota studies department so as to achieve an understanding of the Indian people. The college realizes that it can also be a productive force for the improvement of racial relations between the Indian and non-Indian people.

This year has been a turning point in the future development of the Oglala Sioux Community College. There have been two recent developments that will have a major impact on the future of the college, and they are (1) the Board of Regents of the State of South Dakota has given authority to the Oglala Sioux Community College to negotiate 4-year degrees in education and human services with State colleges; and (2) the college has applied for candidate status for accreditation in the North Central Accreditation Association. This will mean that the college will be able to have students receive 4-year degrees with a majority of the course work done on the Pine Ridge Reservation. Accreditation will allow the college to have the autonomy to operate the college to meet the needs of the Oglala people. The college will seek accreditation for offering associate of arts degrees, and will contract with the state colleges for the third and fourth year of the baccalaureate degree.

With these recent developments—and the college has served the higher education needs of the Pine Ridge Reservation for the last 7 years—the Oglala Sioux Community College has proven itself as a viable institution which is deserving of Federal assistance.

I would like to point out some justification for congressional funding of Indian community colleges. Beginning with the establishment of Indian reservations, the Federal Government has considered that it is its responsibility to provide for the education of young Indian people. It was originally an obligation assumed under treaties with the Indian tribes. Later, it became recognized as one aspect of the Federal Government's trust obligations toward Indian tribes. Elementary and secondary school education has, thus, been furnished in schools built and operated by the Bureau of Indian Affairs. In some reservation areas in which there is also a substantial non-Indian population and State-operated schools have been built, Indian children have been educated in these schools, but the Federal Government has provided substantial assistance, either through the Bureau of Indian Affairs or through the Office of Education, or both.

In the field of higher education, the Congress has increasingly supported the scholarship program for Indian youngsters operated by the Bureau of Indian Affairs. But, in recent decades, another

kind of educational institution has come into being: the community college.

On the Navajo reservation, a community college was organized which received substantial Federal support. On my reservation and other reservations, community colleges have also come into existence, but have not as yet received the support which would enable them to deliver services at the level which is truly necessary. That is the reason for H.R. 11104, and that is the reason why I am testifying in strong support of this bill.

Please note that the obligation to provide for Indian education is one which the Federal Government assumed in the earliest days of the Republic. In regards to this obligation and the Federal trust responsibility, we would like to submit an addendum to this statement to the committee at a later date. It is the one aspect of Federal Indian involvement which has been noncontroversial. Much that is good and useful has been accomplished through effective education assistance. There is, thus, nothing new or precedent setting about adding Federal aid to Indian community college education to the Federal aid programs now in place for elementary, secondary, and other higher education. But in the case of the elementary, secondary, and college programs, the facilities have either been provided through the Indian Bureau or through Public Law 81-815 or, particularly in case of colleges, facilities have been built by States or private interests. In those areas of the country for which I am testifying, the States do not consider Indian education to be their responsibility and will, therefore, not provide community college facilities or funding assistance. Nor has our experience shown that private groups are likely to come to our reservations to fund community colleges. At the same time, we prefer not to have the Bureau of Indian Affairs take responsibility for the operation of community colleges. There are a good many Indian tribes fully capable of providing the administrative and educational leadership that is necessary to create a community college and operate it. All that is lacking is the funds that would be needed to provide stability for those institutions. That is what we are seeking through this bill.

Although there is legal precedent for expanding Indian education assistance, there is still a more compelling reason, and that is that the Indian community colleges are unable to receive funding from the State governments or the Indian tribes.

Indian community colleges exist because they maintain they have the jurisdiction to provide higher education for Indian people within the reservation. This tribal position is in line with the principle of Indian law that holds that Indian tribes have the internal sovereignty to govern their own lives. The Oglala Sioux Tribe adhered to this principle of Indian law by chartering the Oglala Sioux Community College with the exclusive authority to regulate higher education on the reservation.

However, the States are increasingly taking the position that if the tribes exert the authority to handle services, then the States have no responsibility to provide financial assistance to the tribes. In effect, the States are saying that if the tribes want to provide services to their people, they will have to do it alone. The States have provided very little financial support to the operation of the

Indian colleges. Therefore, the Indian community colleges can expect little assistance from the States.

The Indian tribes could also provide funding through the traditional method of financing higher education with a tax base. However, there simply is not an adequate tax base on the reservation. The property tax is not available to the tribes, because Indian land is in trust status and cannot be taxed. With the high level of unemployment on the reservation, very little revenue would be generated by taxing individuals. The lack of a tax base is the reason why the Federal Government must be responsible for elementary and secondary education on the Indian reservations. Therefore, due to a lack of a funding tax base, Indians are unable to fund education programs on the Indian reservation.

Let me, therefore, emphasize that what this bill will help us do is give strength to community college programs in areas of the country where other sources of funds are simply not available. Let me emphasize, though, that our colleges are by no means intended to be segregated institutions. Our doors will be open to all residents of surrounding communities, Indian as well as non-Indian.

In conclusion, the following are justifications for Congress to fund the Oglala Sioux Community College and other Indian colleges: (1) our institution has proven itself as a viable entity which can meet the higher education needs of the Pine Ridge Reservation; (2) the Indian community colleges are a productive force for needed change in the Indian and non-Indian communities; and (3) the Federal Government through its trust responsibility has an obligation to provide educational assistance which the States and the Indian tribes are either unwilling or unable to provide funding assistance.

Mr. FORD. Thank you.

Mr. McDonald.

STATEMENT OF JOE McDONALD

Mr. MCDONALD. Mr. Chairman, distinguished members of the committee, ladies and gentlemen, my name is Joe McDonald. I am not the director but rather a director of Native American programs at Flathead Community College, and work directly with the Blackfeet Tribe. I am here with the Blackfeet Tribe to testify in support of this legislation.

You have my official statement. I would like to elaborate on that and make other comments.

Let me take some time and explain what is happening with tribally controlled community colleges at these two reservations.

The Blackfeet Tribe has chartered the operation of Blackfeet Community College. The college is operational. It has a president, a board of trustees, and has offered a minimum of 50 quarter credits of course work each quarter for the past 2 years. Flathead Valley Community College, with the assistance of title III of the Higher Education Act, has entered into a bilateral agreement with the Blackfeet Tribe to provide technical assistance and give the courses offered credibility by use of FVCC's full accreditation. When Blackfeet Community College becomes fully accredited, it will be able to be independent of Flathead Valley Community College, and will certify the credibility of the courses offered by itself.

The college development is exactly the same for the Confederated Salish and Kootenai Tribe. The tribe has officially chartered and established Salish Kootenai Community College. It also has a board of trustees and has offered over 50 quarter credits of course work for the past 2 years. It has had a department of forest technology for 5 years, and this program to date has had seven graduates. The college is also providing training for majors in human services technology, business, and in the general college transfer area.

This past year Salish Kootenai Community College has had 180 students enrolled in classes with a full-time equivalent of 125 students. The Blackfeet Community College this past year has had a total of 146 students enrolled in classes, resulting in a full-time equivalent of 91 students. Our funding is year-to-year funding. Right now we don't know whether we will exist next year or not. The demand from the community is overwhelming. The community and the tribe want the program.

Our tribe, the Salish and Kootenai Tribe, entered into a treaty in 1855 with the U.S. Government. They acceded a great deal of land. The United States, in the treaty indicated they would provide educational programs. At first, these programs were very basic reading, writing, basic agriculture, construction. Later on, we had vocational schools, but people had to leave the reservation to get to the vocational schools.

With the passage of the Wheeler Act in 1934, Indian students were able to get loans to go to college, but there was no way to pay them back.

After World War II, they were able to enter under the GI bill.

The 1950's was a poor time for college assistance, and it wasn't until the War on Poverty that there was much of an impact of Indians attending college. To take advantage of the programs, they had to leave home and go to colleges away from the reservation. In this process, we had a very high dropout rate. Many of the students don't make it. When you take an Indian student from Browning, Mont., and enroll him in a school, wherever it might be, it's a tremendous change for them to go from their home to a larger community. It's a cultural shock, and results in many returning to their reservation.

Many of the reservation schools, the programs are not that good, as Mr. Blouin knows from his investigation. So we have students coming to college with poor backgrounds. The curriculum is often impersonal and is not what is needed by the students to return home and do the job.

We think the community college answers all these problems. Community colleges are growing throughout the United States, and they serve a certain type of student not uncommon to the reservation. They serve students who are married, have families, and can't leave to go to college elsewhere. It serves people locked into jobs. It serves older people wanting to be retrained and wanting to have an opportunity at some other job. These are the people we are serving with the tribally controlled community colleges.

The program demands are tremendous. We have individuals on the reservation with a lot of aspiration and hope. Tribal governments are asking for special programs all the time, forest technol-

ogy, people in the law-enforcement business—we have had overwhelming demands throughout Montana.

We have this growing concern for community colleges on the reservation. Let me spend some time on what is happening with other tribes in Montana. The Crow Tribe has recently chartered a community college, as have the Northern Cheyenne. The Fort Peck Tribe are completing the groundwork for having a community college on their reservation. The Rocky Boy Reservation is sending out help signals to get some postsecondary educational programs going for its people. The Fort Belknap Tribe has a variety of training programs now and is looking at organizing these programs so that they can certify their credibility and not have to look for the nearest State or private college to do it for them.

Why do we need the legislation? Why don't we go to other sources? We have a title III grant, but it is less than minimal. They are over there in Silver Spring reading our proposals right now. We don't know whether we will be funded or not.

I was just looking at Tommy Shortbull's records, and all grants expire next year.

The State has three community colleges. Two were started before World War II. They have a legislative mandate not to start any more. The tribes use their internal sovereignty powers to charter these community colleges. We need the support of this legislation to generate revenue and carry out the desires of these tribes.

All the Indian tribes have supported this. The Senate has passed legislation. We have resolutions from Governors. And we think the program will help everybody in the community and improve community communications. It's a noncontroversial bill. We think it meets our needs.

In closing, I would like to say the guiding policy of the tribes is like the light, so to speak, at the end of the tunnel. This has been the major self-determination act. The major goal of Congress—I would like to read to you: "to compete and excel in the life areas of their choice, and to achieve the measure of self-determination essential to their social and economic well-being."

I don't know of a better way to fulfill this goal than in the development and operation of the tribal Indian community college.

I want to thank you for allowing me to testify on behalf of the Confederated Salish and Kootenai Tribe, and the Blackfeet Tribe.

Mr. FORD. Thank you very much.

[The testimony of J. F. McDonald follows:]

TESTIMONY OF J. F. McDONALD
SUBMITTED ON BEHALF OF
THE CONFEDERATED SALISH
AND KOOTENAI TRIBE AND BLACKFEET
TRIBES OF MONTANA
TO THE
SUBCOMMITTEE ON POSTSECONDARY EDUCATION
OF THE
COMMITTEE ON EDUCATION AND LABOR
HOUSE OF REPRESENTATIVES
NINETY-FIFTH CONGRESS
FIRST SESSION
ON
H.R. 11104

Mr. Chairman, distinguished members of the Committee, ladies and gentlemen, my name is Joe McDonald. I am a tribal councilman from the Confederated Salish and Kootenai Tribe. I am also Coordinator of Native American Programs at Flathead Valley Community College (FVCC), Kalispell, Montana. Native American Programs at FVCC is involved in assisting the Blackfeet Tribe and the Confederated Salish and Kootenai Tribe in developing their own tribally controlled community colleges at each of their respective reservations. I am here today, in behalf of both tribes to testify in support of H.R. 11104.

Let me take some time and explain what is happening with tribally controlled community colleges at these two reservations.

The Blackfeet Tribe has chartered the operation of Blackfeet Community College. The college is operational. It has a president, a board of trustees and has offered a minimum of 50 quarter credits of course work each quarter for the past two years. Flathead Valley Community College, with the assistance of Title III of the Higher Education Act, has entered into a bilateral agreement with the Blackfeet Tribe to provide technical assistance

and to give the courses offered credability by use of FVCC's full accreditation. When Blackfeet Community College becomes fully accredited it will be able to be independent of Flathead Valley Community College, and will certify the credability of the courses offered by itself.

The college development is exactly the same for the Confederated Salish and Kootenai Tribe. The Tribe has officially chartered and established Salish Kootenai Community College. It also has a board of trustees and has offered over 50 quarter credits of course work for the past two years. It has had a Department of Forest Technology for five years and this program to date has had seven graduates. The college is also providing training for majors in human services technology, business, and in the general college transfer area.

This past year Salish Kootenai Community College has had 180 students enrolled in classes with a Full Time Equivaleht (FTE) of 125 students. The Blackfeet Community College, this past year, has had a total of 146 students enrolled in classes resulting in an FTE of 91 students.

The response to the development of community colleges on these two isolated reservations from the Indian community and the tribal government has been overwhelming. There is a strong need for the existence of tribally controlled community colleges on these two Indian reservations. It is my feeling that the same need exists on the large Indian reservations throughout Indian country.

Postsecondary educational opportunity has been available to reservation Indian students for the past 10-15 years through the BIA educational grant program, work study, supplementary educational opportunity grants and recently the basic grant. In order to take advantage of the college assistance programs, the Indian student has had to leave home and travel to distant four year college campuses.

For many Indian students, the cultural shock of leaving their Indian communities and entering a four year college or university in a metropolitan area is too great, and they drop out or are forced out. Many Indian students lack the academic background to enter into four year college programs. Some Indian students find the college curriculum at white controlled colleges lacking in developmental studies, impersonal and irrelevant to the needs of the Indian community.

Tribal programs, Tribal government, and Indian students have been asking Blackfeet and Salish Kootenai Community Colleges for educational programs to meet their special needs. The reservation people are pleading for an opportunity to improve their skill, broaden their minds, and sharpen their cultural understanding. Up to this point neither college program has had the financial or human resources to meet all of the demands for special programs.

The people that the Indian community college serves are those people that aren't able to leave the reservation for post-secondary educational training. The reasons why they can't are varied and are many. Basically these people are married and have

families and can't move, often the families have a single head of the household. Some people are locked into jobs and can't advance without further training and can't afford to leave their job for the necessary training. Many are unable to adjust to an environment other than their tribal cultural environment.

Let me spend some time on what is happening with other Tribes in Montana. The Crow Tribe has recently chartered a community college as have the Northern Cheyenne. The Fort Peck Tribe are completing the ground work for having a community college on their reservation. The Rocky Boy Reservation is sending out help signals to get some postsecondary educational programs going for its people. The Fort Belknap Tribe has a variety of training programs now and is looking at organizing these programs so that they can certify their credability and not have to look for the nearest state or private college to do it for them.

I can't think of a better way for tribes to fulfill the major national goal of Congress expressed in PL 93-638 than to get operational tribally controlled community colleges.

The goal expressed by Congress is "provide the quantity and quality of educational services and opportunities which will permit Indians to compete and excel in the life areas of their choice, and to achieve the measure of self-determination essential to their social and economic well being." (PL 93-638, Section 3,c).

Committee members, I thank you for the opportunity to testify before you on this proposed legislation. On behalf of the Confederated Salish and Kootenai Tribe of the Flathead Indian Reservation and my friends, the Blackfeet Tribe, I hope that you will join with the desires of Indian people throughout Indian country and endorse this important piece of legislation.

Mr. FORD. Mr. Bordeaux.

STATEMENT OF LIONEL BORDEAUX

Mr. BORDEAUX. I want to point out, since the early days of the Republic, Congress has legislated specifically for the benefit of Indians. The treatment accorded American Indians in terms of special Federal benefits is unlike the treatment accorded any other group in the United States. The Supreme Court has held many times that the Congress can legislate for Indians as members of tribal groups which is not inconsistent with the Constitution. Therefore, issues with respect to segregation which may be raised in the context of other minority institutions of higher learning are not applicable to tribally chartered institutions. It must be remembered that legislation for the benefit of Indian tribes and tribally chartered institutions is in the context of a political relationship and not a racial class. See *Morton* v. *Mancari*, Supreme.

No. 2, Congress has historically worked within a tribally oriented delivery system. When Congress provided for the control of BIA programs through contracting in accordance with Pub. Law 93-638, 25 U.S.C., this must be done with the consent of a tribe and through a tribally approved organizat on. When the BIA provides services or when Congress legislates Indian preference in employment in the BIA, it is in the context of members of Federally recognized tribes. In other words, special services for Indians in the Bureau of Indian Affairs is limited to members of tribes, and not just to persons who claim Indian bloo Therefore, H.R. 11104 is consistent with congressional action in o.her areas of Indian affairs and no other minority group can use H R. 11104 as precedent for special programs.

No. 3, tribes and tribal organizations have been excluded from Federal programs. More than one-hal all domestic assistance programs exclude Indian ribes from tilizing their benefits, because the legislation limits its ben to States or other local subdivisions of government. Thi ck of eligibility is caused, then, by oversight or ambiguity, or in most cases by the dominance of programs by States, or other non-Indian interests. However, tribes as self-governmental units should be able to benefit from these programs. Emphasis must therefore be placed on the need for set-asides in all programs which assure that tribally chartered institutions receive an appropriate share of funding.

No. 4, Congress itself has denied States jurisdiction over Indian tribes and reservations. The requirement that tribes participate in

State plans is an indirect and unintentional extension of State jurisdiction and frequently results in tribes being excluded from State plans. Tribes have also been totally excluded where the State has no junior colleges, such as in our State of South Dakota, and therefore no need for a State plan.

In closing, I would like to throw this out. Father is not here. I had specifically thought of this closing remark when somebody comments as we have heard from previous testimony. But this story tells of a rancher who acquired his empire and finally sat back to enjoy what he had. There is a big mountain in his background. The man climbed it to review what he had gathered. However, on the last leg, he stumbled and fell. He was hanging on a branch and hanging there. He couldn't go up or down. The man gave one last desperate holler for help and he hollered, "Is anybody up there?"

Lo and behold, somebody answered and said, "Yes, I am."

The man was stunned, and he said, "Who are you?"

The answer was, "I am the Lord."

He said, "Hey, Lord, you can do anything; take me up there with you."

The Lord said, "Do you have faith?"

He said, "Yes."

The Lord said, "If you have faith, then let yourself go."

There was a long silence, and finally the man hollered back, "Is anybody else up there."

Unfortunately, Congressman Ford, we can't call upon anybody else. The committee will either give this legislation life or death. But we have faith you will recognize our need for continued growth and development through the enactment of our own legislation, namely, House Bill 11104.

Thank you.

Mr. FORD. We thank you very much. The testimony presented by this panel clearly indicates the wisdom of the people who suggested the makeup of the panel, because you obviously speak from the point of the most informed—or people who should be the most informed groups in this country with respect to problems of Indians.

I want to see if I can get a better understanding as to what was said here.

There have been several references to Public Law 93-638, the Indian Self-Determination and Educational Assistance Act. The panel gives me the impression they think it's a pretty good act. Am I mistaken in that impression? That act authorizes the Secretary of the Interior in the tradition of the ancient, not-always-successful methodology of the Federal Government in dealing with Indian education, to enter into negotiation for formulating educational institutions of all kinds.

What is the problem with that act? Why isn't it doing what you ask the new legislation to do? Is it because the act is not broad enough, or because the Secretary of the Interior from time to time doesn't respond.

Mr. CLIFFORD. Mr. Chairman, I refer to a specific section in that bill which has not been complied with to date by the Bureau of Indian Affairs. That section is title II, part A, section 2034. It deals

with Indian-controlled community colleges. The Bureau of Indian Affairs was to provide the Congress with a specific program together with detailed legislative recommendations to assist the development and administration of Indian-controlled community colleges. That report was to have been submitted to the Congress in October of 1975. To date, the Bureau of Indian Affairs still has not complied with Congress mandate regarding that report.

Mr. FORD. That was my next question. Why hasn't this report been prepared or sent to us since that point has been made in one of the statements submitted?

Mr. CLIFFORD. The history on that has been one of excuses on the part of the Bureau of Indian Affairs in that each time the Bureau of Indian Affairs has been asked to testify on the Senate as well as the House side, they have come forth with a specific example. For example, the BIA denied action on this provision stating there was a joint study going on between the U.S. Office of Education and the BIA. The Bureau was deferring action on the bill until this study was completed.

Following that hearing, the Higher Education Consortium set up a meeting with the Commissioner and we asked if he knew of any such study going on or taking place. He informed us he was not aware of any such study and subsequent to that, he sent a letter to Assistant Secretary Forrest Gerard specifically stating there was no such study taking place.

So we have had experiences of this nature as far as trying to get the Bureau of Indian Affairs to come forth with recommendations and a specific program to address these community colleges.

Mr. FORD. The problem is not with the state of the law. The problem is with the Secretary of Interior, whoever he or she might be, since the adoption of that law. Whoever the Secretary was in 1975 let the time that was mandated by the law come and go without complying with the law.

Mr. CLIFFORD. Yes.

Mr. MCDONALD. The Commissioner of Indian Affairs has been an acting position until the recent appointment of Forrest Gerard. Indian politicians, at least at the tribal council level, have not been impressed with people working in education, particularly higher education.

Mr. FORD. That is the impression I have had for 14 years on this committee. Mr. Meeds, who left the committee during this Congress, was this committee's expert on it and the most vigorous in pursuing attempts to straighten them out both on this committee and on the Interior Committee.

One of the first things that struck my curiosity when I looked at this bill was that the Secretary that is described in the bill is not the Secretary of HEW but the Secretary of Interior. I had been under the impression that people generally operated on the assumption that Secretaries of Interior had not put a very high priority on education in the past and that the track record of the Bureau of Indian Affairs in handling education was not really that good.

Normally, when we see the word "Secretary" before this committee, we are talking about the Secretary of HEW and the Office of Education. So that leaves me with a question: If you have had this

kind of experience with respect to just a study of how to develop Indian-controlled community colleges, why then would you want to pass a new piece of legislation giving the authority for the administration of such a program back to the people who have ignored it up until now?

Mr. McDONALD. From my experience as a tribal politician, and I have been in it 5 years now, actively participating in the Montana politics and the Northwest Tribal Organization and the National Congress, traditionally those people have not felt that they have had the expertise, the tribal leaders, to deal in education.

So education has not had that priority, but it is rapidly changing as we get people.

Mr. FORD. I am not talking about the attitude at the tribal level. The question is why haven't those who have testified so far commented at all on the administration of this program which would be put back into the hands of the people who are apparently responsible for your feeling that there is a need for new legislation.

Is everybody satisfied that we ought to be writing another piece of legislation to give back to the Secretary of Interior and the Bureau of Indian Affairs the administration over whatever new initiatives there are in tribally controlled community colleges?

Mr. SHORTBULL. It is the same reason the Indian tribes do not support the move of the Bureau of Education out of Interior and to HEW. It is the same philosophy we have with regard to that and that is the loss of trust responsibility if it went over to HEW. We would have no protection both on the elementary and secondary and higher education of the trust responsibility that we feel is in Interior. It would be lost if we went to HEW.

When we drafted this legislation on the Senate side we dealt with that particular question. We felt at that time that we wanted to protect the trust responsibility that we feel is in Interior. That is the reason we placed the responsibility of administering the program in Interior.

Our hope is that one of these days, we have been told, that Interior in regard to Indian education will clean up its act. Hopefully, if that time comes, they could administer the programs in a proper way.

Mr. FORD. From Head Start, which I participated in back in the sixties, and recently we have tried to put more focus on it, to all the provisions of the Elementary and Secondary Act that have special consideration for Indians on through higher education, I have heard consistently the wind blowing in one direction: The Department of Interior does not do a good job in higher education. Legislation that attempts to do things in the field of education for Indians goes to the tender mercies of those people, and it does not fare well. I have heard the same thing here this morning.

Yet you say without hesitation—I don't see any heads shaking at the table—that although they are SOB's, they are our SOB's and we are more comfortable with them than we are with some other SOB's.

Is that what you are saying?

Mr. BLOUIN. If the chairman will yield, I think it is a question of expertise and the lack of it in OE. I think if you ask the people in education what 638 is, they would say 17. They wouldn't know

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what in the blazes self-determination was all about. They have never been involved in the execution of it.

I think the Indian community as a whole, and I think you will find this as a Department of Education becomes a reality or the debate becomes a reality, the Indian community as a whole is split on the transfer. Some have reached the point of frustration where they feel that the only way out--and I think this is the position the Navajos are starting to take—is to transfer, provided that the changes our committee has already proposed in ESEA in terms of H.R. 9810, the needed control, the signoff authority on elementary-secondary funding with it, and as well that the staff expertise go with it.

If there were a Department of Education today and if the Bureau's educational responsibilities were part of it, I think this bill would clearly be written to move into that Department of Education.

But until that happens, and that is really a very uncertain point here, the place where the expertise exists is within the Bureau.

Mr. FORD. Well, now, I was interested in the voluntary opinion on whether or not we should create a Department of Education. I have been up and down this road for many years with people, including Mr. Carter's task force who put together his proposals, about whether there should be a department.

One of the disappointments I had in his proposals is that I don't think it goes quite far enough. He backed off on taking veteran's education out of the Veterans' Administration for the same reasons, that the Veterans' Administration has always passed out veteran's money and they understand veterans. There is absolutely no reason why the policy with respect to education could not be made in the existing Department of Education, prior to the creation of one the delegation of the authority to operate or carry out that policy could then go over to the Department of Interior, Bureau of Indian Affairs, if they have the expertise to carry it out.

But the whole purpose of trying to get a department together is to find some place in Government where people think in terms of education. We need some kind of organized policy so that we don't have one policy in this department and another policy in this department. We have as many different definitions of what a student is and what a part-time and full-time student is and all the rest as we have different departments of the Government sponsoring it.

There is no reason why the policy with respect to the development of community colleges could not be in an Education Department and then after that policy is determined by the Congress and the executive branch, it can be carried out by the same bureaucrats in the same seats over time. Nobody has to lose a job.

But I don't understand why at this point we are considering reinforcing and broadening the power of the Bureau of Indian Affairs in educational matters when everyone agrees that they have not done a good job with it. Do we have an opportunity for a committee, with legislation that has been assigned to us because of the way in which it is drafted, to get a hold on these people? Do you prefer the present form of the bill that continues them in absolute control?

The only reference in 93-638 to U.S. Office of Education is the requirement that under section 203 the Secretary of Interior will consult with the Secretary of HEW.

Now you describe to us the true fact to be that the excuse used by the Secretary of Interior and his representatives for not meeting the law's requirement to come forward by 1975 with a plan for Indian-controlled community colleges was that they were still consulting with the Secretary of HEW.

You then go to the person directly responsible for that portion of the Secretary of HEW's operation and he tells you no such consultation is underway. He in fact signs off in effect by writing a letter to the Bureau of Indian Affairs saying we not only are not studying it, but we have no intention to, as I understand you to put it, because you have not asked us to.

They lied to you or lied to somebody or they just let it fall through the cracks. We are now going to write a new piece of legislation giving it to these people, instead of giving it to somebody who so far has followed the law. Even the predecessors of the present Commissioner, as poor as some of them have been, have, because of the prodding by this committee, almost always ultimately gotten action. Yet everyone seems sanguine about the idea that sending it back to these people is a wise thing to do.

Mr. CLIFFORD. I guess over the last couple of days there has been testimony on S. 991. We have testified there. Other tribal organizations and tribal representatives testified. A quick summary is that there was a split as far as supporting this bill to establish a department. Some of the fears and concerns that came out are as follows:

1. It was felt by many of us that the Department of Education to a great extent deals with States on a grant basis. They are public school system oriented or centered whereas the Bureau of Indian Affairs which houses the trust responsibility right now is a tribally controlled center. That is a major difference.

There was no guarantee in the bill that the intent, the spirit and intent, of Public Law 93-638, the policy mandates contained in that law, would be upheld, accepted and implemented by the Department of Education.

Mr. FORD. Let me just interrupt you there. I don't want to get away from the central point. But if you took the position that with respect to higher education the higher education programs are State agency related, then you just don't understand the higher education programs because in fact that is not the case. There is a much closer parallel to what you are trying to construct here, the tribally controlled community college and what already exists in higher education, than there is between the existing BIA type school and the Federal Government or any State agency.

So far as I know, we have no program at the higher education level that runs through States as an agency. Now some programs go to an institution that may be controlled by a State, but they go to institutions. They go to public and nonpublic institutions without any discrimination or distinction, unlike the elementary and secondary which for different reasons is handled in different ways.

As a matter of fact, in most States there is not any central State agency that controls higher education. Mine is one of them. They

are considering, unwisely I believe, a recommendation by our Governor that we set up such a State agency to control higher education.

However, traditionally we have never had a State agency that tells us how many colleges we are going to have, where they are going to be or what they are going to be. Institutions develop, some within the framework of local education agencies like community colleges, some with special districts created for them like community colleges and some as a result of Federal legislation like a land grant college in each State.

There is no tradition at all in our higher education legislation of dealing with States as entities in educational funding at the higher education level. We go directly to students and directly to institutions.

There is, so far as I know, no place in the statutes that you will find any distinction between public and nonpublic. As a matter of fact, I suspect that even with the public there is a closer parallel to the Indian board that operates a college or university within a State, even a State-financed institution, and what my idea of what you are conceptualizing here as an Indian controlled community college than there is in anything that you would find in elementary and secondary.

In other words, even the State colleges and universities in most of the States operate each of their institutions with a separate board that makes autonomous decisions with respect to the operation of that institution.

You don't have that sort of an attitude with respect to BIA, do you? BIA says this is the way it is going to be and they send out a blanket and everybody gets under the same blanket. They make broad general policy and impose that policy.

Our legislation normally does not impose policy, at least not in a direct way, on the institutions that participate in higher education.

Mr. SHORTBULL. I think it would be very unwise for us to go on record supporting that our legislation be under the Department of Education, especially because of our concerns that the trust responsibilities must go in a particular move to OE. If those qualifications could be made, and that is the qualifying statement that I think we would make, that if those trust responsibilities would be protected, then I think we could go on record as to where we would want it.

I think right now it would be unwise for us to come out in support of OE if those trust responsibilties are not protected.

Mr. BLOUIN. I don't know why this bill could not be written, Mr. Chairman, so that if the Government Operations Committee chooses to move, that this would move with it.

Mr. FORD. I am not advocating a change in what the definition of Secretary is in the bill. I am just expressing questions that come to my mind about the basic reason why new legislation is necessary has to be predicated on the fact that existing legislation is not adequate.

At least up to this point the position taken by the people before us is that the problem is not with the legislation, it is with the administration. That leaves me with the question of whether or not we should deal with the administration.

Mr. BLOUIN. I am not sure you are getting the right opinion from them in that regard. I think you will find, if you probe deeper, that there are some problems, some voids in the existing law, some lack of directives in existing law, to move into higher education within BIA because of the priorities. The Snyder Act is the basic education funding mechanism that exists for Indian education today. It is also the basic act that exists for all funding of BIA. They put education at the bottom of the heap.

Mr. FORD. We have not reached the question of new methodology for funding. The question I am raising, and obviously what I am suggesting is that before we go very much further with the legislation, I would like somebody to give me a reason why we should continue to write legislation which would be administered by those who don't do a good job. I would like to deal with that question separately from whether or not you need new titles to add to the existing titles.

Mr. BLOUIN. I think the basic question we should be addressing is whether or not there is a need for higher education in the Indian community and whether the existing structure addresses it. Once that is established, we can always argue about the semantics of it.

Mr. FORD. Let's go to that.

On page 3 of Mr. McDonald's statement, in the first paragraph, after having enumerated in the first part of the paragraph the existing student assistance programs, you said," In order to take advantage of the college assistance programs, the Indian student has to leave home and travel to distant 4-year colleges."

Just taken by itself, that seems to imply that existing institutions such as those some of you gentlemen represent do not now participate in these programs.

Mr. MCDONALD. We do. We participate in financial aid at Blackfeet Community College and Salish-Kootenai Community College, but we do it through Flathead Valley Community College and that is the problem.

Mr. SHORTBULL. I don't think that is the intent. Our students are eligible for all the basic support money that goes into a college, BEOG, SEOG and all the support funding. I think his position was that if there was not a community college, why would students then go off? His rationale there is that that is the reason community colleges come into existence.

Mr. FORD. That, however, is the case in the absence of any community college. One of the great reasons why I have been a strong supporter all of my adult life of the community college concept is that I come out of working people. Here the community college has, more than any other postsecondary education institution been available to people in their own community where they can live at home and get support from a family that doesn't have cash to help them but can give them shelter, clothing, and food and maybe help with transportation. It also makes it possible for people in an economic group that would be blocked out or for people who work and are trying to go back to school.

It is pointed out in the testimony here that the characteristics of your community college students are very much like the community college student in general. They tend to be older than the student body at traditional 4-year colleges and there is a larger

percentage of what would be called at traditional colleges part-time students because they are working, maintaining a family, and doing other things while going to the community college. That is the central idea of the concept of a community college as an alternative to the 4-year college.

You also make the point that the community college provides access for many. Until 10 years ago we used to talk about junior colleges. There was across the country the assumption that the 2-year junior college was actually a prep school for a real college. You went to the 2-year junior college until you learned how to hang on and make out in the college program. Then you used that experience and additional knowledge to go on to the 4-year college.

We have fortunately broken away from that idea putting more emphasis on the concept of the community college now than we do on the junior college, although some of them persist in calling themselves junior colleges as if they were prep schools.

So there is no real difference in the mission of a community college on an Indian reservation or in an industrial city like Detroit.

Mr. BLOUIN. I disagree with that. I think we ought to let those who are from Indian community colleges try to explain. I think that is the crux of the need for this legislation. There is a very basic difference in the educational need of an Indian reservation setting than in any other setting in this country. There is a very basic gap or void in terms of what our existing Anglo, post-secondary system can offer in terms of the needs that these people have.

I think that is the real thought behind this legislation. Maybe if some of you who are from a community college base could get into that point, it might help.

Mr. BORDEAUX. I would like to go back and mention this. The Congressman discussed the Office of Education a little while ago. I would like to hit upon a couple of points, funding and accreditation and why we are insistent on remaining with the BIA.

First of all and foremost, Indian colleges are located dead on Indian reservations. If these colleges are going to reach their maximum and if they are going to be the community colleges that are defined in whatever ethnic group defines a community college, they are going to be the focal point of the community upon which everything else evolves and rotates. Tremendous coordination is done.

My credibility in working as a president on an Indian community college is not dependent upon how many years I spent in college somewhere. It is not dependent upon the major that I may have or the minor that I bring. But it is dependent upon the credibility that I have to the community in people ranging all the way from the little guy to the elderly.

Much of my day is prepared in dealing with land sales, adoptions, and because I have an educated label attached to me and because education in a sense of the academic education has not been that much of a priority until recent times on an Indian reservation, that when people need something and they need some service in the area of mental health, when the tribe needs some development in natural resources, who do they come to? They come to the Indian college. I had better know the answer or at least be

able to refer that person to where they can get an answer or my credibility goes down and the things that I am trying to run, institutional, per se, that are academically related, will go downhill.

So the Bureau of Indian Affairs, because of the trust relationship—and I have been hearing all week that a move to OE would enhance the trust relationship, but I, myself, am a skeptic. We have about as much participation in the OE programs in terms of title III as any group would want to have with the exception of title IV participants.

I don't know the full budget of title III, but I know that in a basic institutional grant which roughly is probably $125 million or so, there is roughly $5 to $6 million that is supposed to be set aside for ethnic-type participation. We can actually only identify roughly $1 million that goes to those schools that are tribally chartered and located on Indian reservations.

Mr. FORD. Let me walk through that with you.

Title III is the strengthening and developing institution's provision which is one of the few parts of the Higher Education Act that talks about institutions and not about students. It says that 76 percent of the money authorized under this section will be used for developing institutions that are going to be degree-granting institutions, leaving 24 percent earmarked for carrying out the provisions of this title with respect to developing institutions which do not plan to award such a degree during such year. That means community and junior colleges.

This year there was $110 million appropriated against $120 million authorization, considerably higher percentage I might say of the authorization than the average in other parts of this law.

Now 24 percent of that $110 million is supposed to be set aside for developing community colleges. You are telling me that only $1 million has been spent on Indian schools.

Mr. BORDEAUX. Roughly $1 million is what we can identify that goes into tribally chartered Indian operations. If the attitude that I keep hearing in the past week, that trust responsibility extends clear across the board in all governmental agencies, then I would think that Indian tribally chartered colleges would be a priority in terms of moneys that will be identified in going to the development of those tribally chartered institutions because they are tribally chartered which is an extension and recognition of tribal sovereignty. They are located on the Indian reservations.

Unfortunately, this is not a stable funding base because every year we have to go in there and submit a proposal. Believe me, every year it is hectic to come out of title III with $200,000 as in our institution, yet without that $200,000 we would not exist.

So we are thankful for it, but that does not mean we are getting our fair share. The technical assistance organization we have developed to be the umbrella for Indian colleges, the American Indian Higher Education Consortium, has consistently submitted proposals for at least $1 million to meet the minimum we want to do to develop Indian colleges. Yet each year we have to struggle for a $300,000 grant.

Last year we were told that the program would be dropped and only through considerable pressure has that $300,000 been reinstat-

ed. That has been the funding level for AIHEC for 6 years now. That is not even considering inflation.

If OE would have the motivation to do something for Indian colleges, I would think they would have jumped on this endeavor and been trying to promote Indian colleges. Here we are with roughly $1 million as our total expenditure and that we don't know whether we are going to get from year to year or not. That is why our insistence on staying within the Bureau of Indian Affairs because your self study, your needs' assessment, all your priorities that any community college is going to be doing is dependent upon the needs that the Bureau of Indian Affairs provides to the total livelihood of Indian people on a reservation. Indian colleges must zero in on those needs.

So there is a big coordination with all agencies within the Bureau, all the Federal programs on a reservation, but it must be drawn into the community college and the college must disseminate its work throughout the community.

So that is the need to stay within a funding source that is familiar and that will deal with the BIA. Sure, the Bureau has problems, but this is where we need your help because we would like to see Congress not so much move the Bureau out of the Interior Department and move them into OE, but develop all our energies and efforts in restructuring that Bureau in allowing tribes to have the development and input so that the Bureau can be made up of something that will be useful to us.

We talk about accreditation. Indian colleges are not eligible for title III moneys as direct recipients unless we tie ourselves in on a bilateral basis with an existing institution in South Dakota which sends us back to the Board of Regents and the Board of Regents has control over the curriculum in our school which is an indirect and unintentional erosion of tribal sovereignty.

In terms of the Board of Regents being autonomous, our attorney general made a ruling the other day that they are subject to the State legislature.

Mr. FORD. Mr. Bordeaux, I am not arguing with you about taking anything away from the Bureau of Indian Affairs. I am trying to develop the other side of the question, that is, what kind of job OE is doing with programs you are supposed to be participating in.

I guess my question should go to Mr. Clifford. If in fact there is $26 million-plus set aside for developing institutions in remote locations and with other problems that make it difficult for them to develop either with State or local resources and you are only getting $1 million. Who is getting the rest of the money?

Mr. CLIFFORD. Because we are so small in numbers and yet we are struggling with the same basic issue that other groups are in the country regarding getting an adequate financial base to support the community colleges, we have to contend with the fact that we don't have the numbers and the economic and political clout. The Bureau of Indian Affairs helps us, assists us, to whatever extent they can.

Mr. FORD. Let's stay with the Higher Education Act.

What is happening to the $26 million and why do you feel you are not participating in that money set aside for your type of institution?

Mr. SHORTBULL. Mr. Chairman, you realize that title III is not for basic support. We have met with Commissioner Boyer and he has emphatically said that if they are basing their support around title III for basic operational costs, it is not intended for that. That is the question you asked originally, a while back. What is the difference between a community college that exists in Michigan and on the reservation?

Those community colleges receive their basic support by going to whatever taxing entity is within that State and demanding that they receive a proportional share. When you come to the reservation, we have no such mechanism. We don't have a tax base. There is simply not an adequate tax base to provide the funding for us. We are looking for the basic support funding of a college.

The question could be why not title X of the Community Colleges Act. I would hope that Congress would not leave us at the mercy of States, that States will provide us with funding because title X in our State has not even developed a statewide plan for community colleges. So we are left, in fact, at the mercy of Congress.

Mr. FORD. You are still not responding to my question. You are pointing out very clearly the distinction between your proposed title I in this bill which is general support, which I understand would be in lieu of the kind of general support that other types of community colleges receive. I understand that. That is another question that we will get to. That is one of the new concepts that is involved in this bill. That is totally distinct from what we do with other community colleges.

I am talking now in the area of trying to determine what is happening to your type of institution with respect to the legislation administered by OE. Is it your view that they are not dealing fairly with you in getting a fair share of the set-aside money to developing institutions that would fit the definition of your bill?

Mr. CLIFFORD. Our understanding is that. I am not sure of what the allocation is, the breakdown of allocations, are regarding this money, but it is our understanding that the majority of the money goes to small black colleges and inner-city colleges who have high concentrations of minority students. Because of that we feel that we have not been given an appropriate allocation to support the development of our community colleges.

I think a lot of it has to do with just economics and politics of why we are not getting it. We don't have the clout to get our fair share of the title III moneys.

Mr. BORDEAUX. OE can probably identify $5 to $6 million, but these are not going to privately chartered. They are going to Indian study programs that are going to non-Indian colleges and universities throughout the States.

Mr. FORD. None of it can go to universities. I am talking about the money specified, designed for nonuniversities, developing institutions. I thought you were describing to me a program of developing institutions called tribally controlled community colleges.

What I am trying to find out now is whether or not what we did when we made a set-aside for developing institutions is being carried out. I assume other members of this committee like me thought this was going to be for the type of institutions that you are talking about as well as others. Now I am trying to find out is

whether or not you are participating, and if not, why not? Is it because the Office of Education does not regard tribally controlled community colleges as qualifying institutions?

Mr. SHORTBULL. We are participating, but we don't have the political clout to get what we need. We get around $200,000, but I would like to have that compared to the black colleges which are receiving support under title III. It is probably disproportionate in comparison to what we are getting.

Mr. FORD. How does it compare?

Mr. SHORTBULL. I have seen where some black colleges have received around $500,000.

Mr. MCDONALD. At Blackfeet Community College we get $32,000. At Salish Community College we get $32,000.

Mr. FORD. That is about $15 a head.

Mr. MCDONALD. That is right.

Mr. FORD. How does it work out in the black colleges?

Mr. MCDONALD. I don't know.

Mr. SHORTBULL. We have heard $1,000.

Mr. FORD. Well, we will have to ask the Office of Education if they can tell us how they are distributing this money because obviously nobody has raised this question before.

Mr. QUIE. I have just been talking about the existing title III programs and the 24 percent set-aside and am trying to determine whether or not they are participating in that program. In the view of the panel they are not participating in a fair share of the set-aside. Other types of institutions are apparently getting the lion's share of the money.

Mr. MCDONALD. When you talk about the $26 million, does that include advanced? Community colleges are getting into the advanced and they get large grants. I have a friend in New Jersey who works in a community college. They get a large advanced grant.

Mr. FORD. Well, we won't question what Wayne County gets either.

Mr. SHORTBULL. I think that answers your question of why we don't want to go to OE. I think that is one of the problems. We would just be one of the minorities placed over there. In the Interior Department we are not. It is solely intended for Indians. In OE we would have to compete with all the other minority groups that are over there. I think that is what we have found and the development of an example is title III. We don't get the fair share.

Mr. BORDEAUX. But that would be supplemental to whatever we are doing. We need some core funding. We are releasing 70 contracts to 70 employees at Sinte Gleska this week. Somewhere we need to have $1½ million to sustain those employees next year.

The Bureau of Indian Affairs gives us $300,000. Hopefully, title III will give us $200,000. We are still caught with coming up with another $1 million. We have 20 contracts that we operate that college out of. It is really hectic when one person gets paid from three different sources and they divide their time three different ways.

If you can't think that is a nightmare reporting to that Federal agency to justify that expenditure—this is why we need that legis-

lation that OMB keeps harping about. We can't even go back to the Bureau of Indian Affairs for a supplemental because OMB puts the word out that we do not have specific legislation and the Snyder Act is inadequate and 93-638 does not address specifically Indian colleges. They need their own autonomous type of legislation that OMB can point to that can justify an increase in expenditure.

Our membership in the consortium has grown from 6 to 17. Even title III has not seen fit to increase the allocation to AIHEC as a consortium to deal with technical assistance for these 17. We have varying needs. We have some schools just now coming into the program. We have schools like the Navajo who have full accreditation.

So when you only have one staff member that can be afforded out of each component that we have that deals with this particular range, it is a nightmare.

Mr. FORD. Mr. Bordeaux, you have indicated that you don't participate in title X because South Dakota doesn't have any State program of community colleges so it has no State plan. Is that true in other States that your institutions would be located in or is that peculiar to South Dakota? How many States don't have a community college system?

Mr. TIRRELL. Only about 10 out of the country. That would be my experience. Most of the States that have 1202 money have some sort of planning. Is anyone here from Arizona? Have you not participated to some extent in the planning?

Mr. FORD. I think we may have to amend title X for some sort of a bypass in those States which don't participate. Our experience has been that, first, we tried the trigger mechanism and then a series of agreements to get some $50 million for this year. Part of this we have and part of it is still involved in a supplemental for all of title X. You are talking about an appropriation of $25 million a year for just title I of this bill.

How many institutions would be involved in title I of this bill?

Mr. CLIFFORD. No less than 8 and no more than 15 this year.

Mr. SHORTBULL. That is subject to the feasibility study of the Secretary of Interior to determine viability of institutions.

Mr. FORD. Do you think as a practical matter we could expect $25 million appropriation for 8 to 15 institutions when it has been so difficult to get a $50 million appropriation for all of the rest of them in the country?

Mr. SHORTBULL. The problem there, again, as we go back to it, that is just additional funding for them. That is not basic support money for them. Community colleges across the country have a tax base that they can go to. They can mandate within States that they get their proportional share of the tax base. We don't have that opportunity within Indian reservations. I think that is the rationale for Congress giving funding at that level to us and not at the 50 level for those community colleges.

Mr. FORD. Are there not now community colleges operating on or in close proximity to the residence of tribal groups, whether it is called a reservation or not, that do operate through State systems?

Mr. SHORTBULL. As we said, in our State there are only two community colleges and the State does not have a plan. They are both east of the river in South Dakota, almost 300 miles away.

They have no outreach program to conceivably reach the reservation.

Mr. BORDEAUX. They are basically church-sponsored institutions.

Mr. MCDONALD. The nearest college to Blackfeet is the Walhalla Community College which is over 110 miles over the Glacier Park. The Crow and Northern Cheyenne are in similar circumstances. The Salish-Kootenai are more conveniently located. They are about 60 miles from the community college.

Mr. FORD. What State is that located in?

Mr. MCDONALD. Montana.

Mr. FORD. And Montana refuses to extend support?

Mr. MCDONALD. They cut us off at the pass. We can't even get disadvantaged money. We had a set-aside. The State of Montana is going to send it back. We could not use it because we are not a local education agency. We had to go to the Flat Head Valley Community College. I had a proposal sent in last November and it is still on the president's desk at that college.

Mr. FORD. To designate moneys in areas to which residents don't have access to 2-year colleges within a reasonable distance?

Mr. BLOUIN. I think you will find that most States view the responsibility of considering any extension of education as one of Federal in terms of Indians. Many States have said straight out that is not our responsibility. The Indian education responsibility rests with the Federal Government and they have ignored it. They have successfully been able to point to court cases that have directed clearly that the relationship is one of a level of government to another level of government.

Mr. FORD. Well, if you look at the distribution of impact aid funds, that seems to be the case with elementary and secondary. There is a substantial portion of that money that is going to subdivisions of a State because of the attendance of people living on Indian reservations.

Mr. BLOUIN. First of all, that is K-12.

Secondly, it is in proportion to the number of students in the public school where they have to accept them and many States would not if they didn't have to.

Mr. MCDONALD. They will take that money because they can spend it any way they want to.

Mr. BLOUIN. No strings. We found there darn well better be strings.

Mr. MCDONALD. In the school where I work they have a board resolution not to accept Johnson-O'Malley funds or title IV, part B funds in that school.

Mr. BLOUIN. The public school district has that?

Mr. MCDONALD. Yes, because they don't want to have to consult with the local Indian community.

Mr. BLOUIN. The law in that instance only requires that they talk to the local community. It doesn't mandate that they have to listen to them.

Mr. BORDEAUX. In our student body, one-fourth is made up of non-Indian students. The tuition and fees that they pay really doesn't pay their education. We have to go to the State. I serve on a 1202 commission in the State, but we have an attorney general's ruling that there will be no State-authorized money expended on

Indian reservations because of the State not having any jurisidiction.

Mr. FORD. Mr. Blouin?

Mr. BLOUIN. Mr. Chairman, I would like to do a couple of things. One would be to get the 3½ page digest of a GAO report put out November 3, 1977, with regard to BIA and Indian education. The digest gives a pretty good summary of the thrust of the report. I think it substantiates very well the claim that the existing, non-Indian community college structure simply does not meet the needs that Indians face. It is only three pages.

Mr. FORD. Without objection that will be inserted in the record at this point.

[The information referred to follows:]

GENERAL ACCOUNTING OFFICE · REPORT TO THE SECRETARY OF THE INTERIOR

THE BUREAU OF INDIAN AFFAIRS SHOULD DO MORE TO HELP EDUCATE INDIAN STUDENTS

D I G E S T

The Bureau of Indian Affairs provides grants to eligible Indian students who attend colleges and universities. The Bureau's objective is to develop the students' leadership potential and increase their opportunities for professional and vocational employment.

The program has grown rapidly. In 1970 about 4,300 students received about $4 million to attend higher education institutions; by 1976 about 16,000 students were receiving about $33 million. However, the Bureau knows little about the institutions that Indian students attend or about the students' preparation for and performance in college. (See p. 16.)

GAO visited seven educational institutions that enrolled approximately 2,000 Indian students. Academic achievement data was obtained on 430 randomly selected students enrolled in the fall of 1975, 351 students who were freshmen in the fall of 1974 and received a Bureau higher education grant, and 230 graduates who received degrees between 1973 and 1976. (See pp. 2 and 3.)

Indian students were found to have lower assessment test scores and lower cumulative grade point averages than the general student population. Indian freshmen academic performance was below the minimum grade point average needed to graduate. The rate that Indian freshmen students did not continue their education was higher than the rate for the general student population.

About 54 percent of the Indian freshmen did not return to the school where they first enrolled. Some may not have continued their education; others may have transferred

Tear Sheet. Upon removal, the report cover date should be noted hereon.

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to different schools. On the average, Indian freshmen completed only 7 credit hours per semester and earned less than a C grade for the school year. Credit for only a few of the courses could have been transferred. (See ch. 2.)

The average Indian undergraduate who completed the 1975 fall term had a cumulative 2.1 grade point average and completed 10 hours per semester. Indian graduates had a 2.7 grade point average and took about 12 semesters to earn their degrees. The Bureau estimates that only about 10 percent of Indian freshmen eventually graduate. (See ch. 2.)

Interviews with Indian students and counselors and Bureau and school officials indicate that weak academic backgrounds, culture shock, and inadequate supportive services, such as counseling and remedial and tutoring services, tend to limit Indian academic performance in college. (See p. 11.)

The Bureau has neither devoted enough staff to the program nor provided students with needed supportive services. (See p. 17.)

Although the higher education grant program has existed since 1934, the Bureau has not developed adequate regulations spelling out program criteria and services. The Bureau has developed guidelines on how the grant program is to be administered, but they are advisory, not mandatory. (See p. 18.)

The Bureau should provide more than financial assistance to Indian students. It should develop and implement a system for gathering information on (1) Indian students' academic preparation for and performance in college and (2) the support services that educational institutions offer to help Indian students continue their education, increase academic performance, develop leadership potential, and increase professional and vocational

employment opportunities. Counseling, pre-college orientation programs, and remedial and tutoring services are needed. An assessment of Indian students' elementary and secondary education achievements would enable the Bureau to sugge t remedial courses or educational programs besides the traditional 4-year degree programs. (See p. 19.)

The Secretary of the Interior should direct the Bureau of Indian Affairs to:

--Develop and implement a system for gathering information on Indian students and the colleges they attend to help these students plan their education. Student information should include high school courses taken, achievement test scores, career goals, college grade point averages, the number of students not continuing their education, and the number of graduates. Information should be obtained on support services, such as counseling and tutoring and remedial programs at postsecondary educational institutions. (See p. 20.)

--Encourage Indian counselors to perform duties that enhance the Indians' opportunities to further their education. (See p. 14.)

--Encourage colleges and universities without Indian counselors to see that Indian students are receiving adequate supportive services. (See p. 20.)

--Develop regulations based on the higher education program manual and require Bureau personnel to follow them. (See p. 20.)

--Sufficiently staff the higher education program so that needed services can be provided to Indian students. (See p. 20.)

On August 19, 1977, GAO met with the Bureau's Director of Education and other Bureau

officials to discuss the contents of this report. The officials agreed with GAO's recommendations and described planned actions to implement them. The Bureau's major effort involves developing program regulations that should improve the overall operation of the higher education financial aid program.

Mr. BLOUIN. A couple of points: One, about 54 percent of the Indian freshmen generally don't return to non-Indian schools. The success rate is extremely low and considerably lower than any other comparable grouping of incoming students. Performance is generally below minimum grade point average needed to graduate. The average Indian freshman completes only about 7 credit hours per semester and earns less than a C grade for the school year.

The Bureau estimates that only about 10 percent of Indian freshmen eventually graduate. Interviews with students and counselors in the Bureau and school officials indicate that weak academic backgrounds, culture shock, and inadequate supportive services such as counseling and remedial and tutorial services tends to limit Indian academic performance in college.

Those are the kinds of things our task force was finding generally everywhere that we went. It is the kind of thing that nothing in existing educational funding, to my knowledge, responds to in terms of offering basic dollars to develop an Indian program to meet the specific needs that the various Indian nations have.

With that as a background, my question to the panel is this: Am I correct in assuming that outside of the—what is it, a dozen or fifteen Indian-related community colleges that exist today—outside of those areas, there is no postsecondary education program in existence for Indian students?

Mr. SHORTBULL. Within the States?

Mr. BLOUIN. Within any frame, State, Federal.

Mr. SHORTBULL. You mean are there higher education institutions that provide education strictly to Indian people?

Mr. BLOUIN. That is right, beyond the Indian schools that we were just referring to, community colleges?

Mr. SHORTBULL. There is the high school, the Sante Fe colleges, but the success rate there is not good either.

Mr. BLOUIN. Why is that?

Mr. SHORTBULL. The concept in regard to education is still the concept in regard to relocation. That is, it is taking people away from the reservation for them to have training for jobs that are not relevant for them back on the reservation. This was clearly found in the relocation process, taking people off to be cabinetmakers. When they came back to the reservation, there was no market for those skills.

If you take someone who gets a degree in sociology or political science, how does that relate to the reservation? That is the reason why our community colleges are in existence. We are providing degrees that have relevancy to the reservation, education degrees so our people can go into the educational school systems, so they can become teachers, business training so they can take over the management positions within the tribe.

I think that is the reason for the failure of non-Indian institutions. They don't deal with the particular needs of the reservations.

Mr. BLOUIN. Have your Indian community colleges had a better success rate?

Mr. SHORTBULL. Sure.

Mr. BLOUIN. Give me some comparisons.

Mr. SHORTBULL. On our reservation over the last 4 years we have graduated 55 students. Of those, approximately 20 of them now have baccalaureate degrees. If we are going to control education within our reservation, if we can get Indian teachers into the school system, we have done a good job. That is very important.

Mr. BLOUIN. Are those baccalaureate degrees coming back to the reservation?

Mr. SHORTBULL. That is right. It is the whole question of medical degrees. If a person takes his training outside the State, how likely is he to come back? The same happens with Indian students. Our really bright people who get degrees off the reservation unfortunately go into Bureau jobs, or HEW jobs, and the bright people are not coming back to the reservation.

Mr. BLOUIN. So it drains it off?

Mr. CLIFFORD. I have a comment regarding the three postsecondary schools that the Bureau operates which Tom talked about.

The Bureau of Indian Affairs operate only one institution which at the present time is not yet accredited as a community college. That is the Haskell Indian Junior College. That is the only postsecondary institution in the country which is supposed to serve Indian people from Alaska to California to the East Coast down into Flordia. That is one institution.

Mr. BLOUIN. That is in Kansas?

Mr. CLIFFORD. Yes, Lawrence, Kans. Yet we have a policy, the Congress of this country has adopted a policy, Public Law 93-638, which talks about local control of education by Indian people, maximum participation of Indians in the development, planning, and organization of their own programs at the local level.

So what you have is the Bureau of Indian Affairs espousing two policies: One attempting to keep their own institutions, very selfishly, to keep their own institution alive which is Haskell, and yet I don't see very much emphasis in terms of trying to assist the colleges at the local reservation level. So I think that is a problem, too. When you look at working with the Bureau of Indian Affairs to try to get moneys to develop these institutions at the local level, you find that they are very selfish in wanting to keep their own institutions alive which are really trying to take Indians away from the reservation.

So you have policies going in opposite directions. I think that is one of the areas that has to be clarified.

As far as Mr. Ford is concerned, we see this particular piece of legislation as further clarifying the authority which is not clearly stated in the Snyder Act. The Snyder Act says, "addressed needs."

Mr. BLOUIN. One final question before I yield: Do you see this legislation in terms of the normal flow of Indian education dollars from the Federal Government as opening new ground? Is it a whole new concept in funding in your estimation?

Mr. McDONALD. It is going to give us the background and financial strength to really get organized on the local level and we will then be able to apply for money from special services and talent search.

Mr. BLOUIN. Is it really an extension of the same kind of funding that exists for K-12 through BIA today, just extended into the post-secondary level?

Mr. BORDEAUX. Right. The higher education realm.

Mr. QUIE. Mr. Chairman, first, I ask unanimous consent that we include in the record a study the CRS did on Indian special education.

Mr. FORD. Without objection it will be inserted in the record.

[The information referred to follows:]

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May 16, 1978

To: House Education/Labor Committee
Attn: Jannie Vance

From: American Law Division

Subject: Federal-Indian Relationship with Special Reference to Indian Education

This memorandum responds to your request for a brief statement describing the legal relationship between the federal government and Indian people with special reference to American Indian policy in the field of education.

The federal-Indian relationship is unique. The contours of this unique relationship were framed by Chief Justice Marshall in two early Supreme Court cases. The first of these cases, Cherokee Nation v. Georgia,[1] was filed by the tribe under the original jurisdiction of the Supreme Court to enjoin enforcement of a state statute. Chief Justice Marshall held that the Supreme lacked original jurisdiction over the case because the tribe was not a "foreign state" within the meaning of article III of the Constitution expanding the judicial power of the United States to controversies "between a State... and foreign states." Agreeing with the Cherokee's contention that they were a "state" in the sense that they were "a distinct political society... capable of managing [their] own affairs,"[2]

1/ 30 U.S. (5 Pet.) 1 (1831).

2/ Id. at 16.

Chief Justice Marshall nevertheless held that the Cherokees were not "foreign" since they were subject to congressional control and since their lands "compose a part of the United States."[3] Marshall concluded that Indian tribes are "domestic, dependant nations"[4] and that the federal-Indian relationship bears resemblance to "that of a ward to his guardian."[5]

Worcester v. Georgia[6] is the second case defining the contours of the federal-Indian relationship. The case involved an appeal by two non-Indian missionaries residing on the Cherokee reservation from a conviction in Georgia state courts for violating a Georgia statute requiring a license to inhabit Cherokee lands. Speaking for the Court, Chief Justice Marshall, declared the Georgia statute unlawful under the supremacy clause. He found that federal law together with the treaties concluded with the Cherokees reserved to the Cherokee Nation the right of self-government within its boundaries.[7] Marshall thus refuted the idea espoused by two concurring Justices in Cherokee Nation that Indian tribes lost their sovereign powers by incorporation into the United States. Instead he construed federal Indian law, the Indian Trade and Intercourse Acts,[8] to evidence a federal

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3/ Id. at 17.

4/ Id.

5/ Id.

6/ 31 U.S. (6 Pet.) 515 (1832).

7/ Id. at 560.

8/ Act of July 22, 1790, 1 Stat. 137 now codified in pertinent part as 25 U.S.C. §177.

policy of guaranteeing Indian autonomy. "All these acts... manifestly consider the sever Indian nations as distinct political communities, having territorial boundaries, within which their authority is exclusive ...."[9/]

The Cherokee cases demonstrate that the Federal-Indian relationship is founded on a paradox. On the one hand, Indian tribes possess many attributes of sovereignty.[10/] On the other hand, Indian people are wards of the nation to whom the federal government owes a fiduciary duty.[11/] Whether as wards or as sovereigns, Indian people have always been singled out for special legislation and their unique legal status has been relied on to justify such special treatment.[12/] Thus, in Morton v. Mancari, the Supreme Court relying on the Indians' unique status as a quasi-sovereign people upheld a hiring and promotion preference for Indians for positions within the Bureau of Indian Affairs against an equal protection attack. In sustaining the Indian hiring preference, the Supreme Court noted that a contrary result would require wiping out an entire volume of the U.S. Code devoted to Indians.[13/]

9/ 31 U.S. at 556.

10/ This Term the Supreme Court has reaffirmed the principle that tribes, despite incorporation into the United States, retain many attributes of sovereigoty. See Santa Clara Pueblo v. Martinez, No. 76-682 (May 15, 1978) (Tribes enjoy sovereign immunity from suit); Wheeler v. United States, No. 1629 (March 22, 1978)((Indian tribal courts are sovereign courts for purposes of the double jeopardy clause).

11/ See e.g., United States v. Kagama, 118 U.S. 375 (1886); Lane v. Pueblo of Santa Rosa, 249 U.S. 110 (1919); Cramer v. United States, 261 U.S. 219(1923).

12/ 417 U.S. 535 (1974).

13/ Id. at 552.

CRS-4

The federal government has always paid special attention to Indians in the field of education. Beginning in 1794 with the treaty with the Oneida, Tuscarora and Stockbridge Indians,[14] numerous treaties have provided for special educational assistance to Indians.[15] Federal responsibility for the education of Indians, however, has not just been limited to treaty obligations. As early as 1819 Congress passed a bill establishing the Civilization Fund which provided federal financial assistance to persons willing to teach frontier Indians reading, writing, arithmetic and agricultural skills.[16] The act is significant because it marks the first recognition of a general federal obligation apart from treaty to instruct Indians. Federal responsibility for Indian education apart from treaty obligation, however, did not become fully entrenched as a national commitment until 1870 when Congress made the first general appropriation for school purposes for Indian tribes.[17] $100,000 was appropriated "for the support of industrial and other schools among the Indian tribes not otherwise provided for, to be expended under the direction of the Secretary of Interior."[18] From 1870 to the present Congress has made annual appropriations for the special education of Indians.

14/ Act of Dec. 2, 1794, 7 Stat. 47.

15/ See American Indian Policy Review Commission, Task Force Five, Report on Indian Education 314-315 (1976)(hereinafter AIPRC Report on Education).

16/ Act of March 3, 1819, 3 Stat. 516.

17/ 16 Stat. 335.

18/ Id.

Federal policy with respect to Indian education has taken many different directions and has rested on entirely two different rationales. Initially, and until very recently, provision for the education of Indians was viewed as a means of integrating the Indians into the American culture.[19] With this goal in mind, missionaries were encouraged to establish reservation schools.[20] Later it was felt that assimilation would proceed at a faster pace if Indian children were taken off the reservation and educated in federal boarding schools and training schools.[21] With the Indian citizenship movement, yet a third policy developed. Direct responsibility for the education of Indians shifted from the federal government to the states with the federal government paying tuition money for the enrollment of Indian children in public school districts.[22] In 1934 Congress passed the Johnson O'Malley Act which authorized the Secretary of Interior to contract with state governments to provide educational assistance to Indians.[23] In 1934 the Act was amended to include contracts with political units within state as well as state schools and private organizations and institutions.[24] Many of these contracts

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19/ AIPRC Report on Education, supra note 15, at 32.

20/ Id. at 33.

21/ Id. at 44.

22/ Id. at 46.

23/ Act of April 16, 1934 ch. 147 §1, 48 Stat. 596.

24/ Act of June 4, 1936; ch. 490 §1, 25 U.S.C. §452, amending 48 Stat. 596.

established programs to meet the special education needs of Indians. However, the policy of using education to preserve Indian culture and to promote Indian autonomy was not fully implemented until 1975 when Congress passed the Indian Self-Determination Act.[25] Title II of the Act entitled the Indian Education Assistance Act reformed the Johnson O'Malley Act (hereinafter JOM Act) by adding three new sections.[26] New section 4 provides that JOM contractors must submit plans for the approval of the Secretary of the Interior which address the special educational needs of Indian students. New section 4 also prohibits the expenditure of JOM funds on other than Indian students.[27] New section 5 establishes a mechanism for Indian participation in the development of JOM programs. New section 6[28] provides the Secretary of Interior with discretionary authority to reimburse state school districts for educating "out-of-state" Indians who reside in federal boarding facilities for the purpose of attending public school in that state.

In conclusion, the federal government ever since its incipiency has assumed a trust responsibility for the education of Indians. It has fulfilled its fiduciary obligation in a variety of ways. It has established

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25/ 25 U.S.C. §§450 et seq. (1977 Supp.)

26/ Pub. L. No. 93-638, Title II, §202, 88 Stat. 2213, 25 U.S.C. §455 (1977 Supp.)

27/ Pub. L. No. 93-638, Title II, §202, 88 Stat. 2213, 25 U.S.C. §456 (1977 Supp.)

28/ Pub. L. No. 93-638, Title II, §202, 88 Stat. 2213, 25 U.S.C. §457 (1977 Supp.)

CRS-7

federal-boarding-schools. It has subsidized Indian education in the public school system. It has paid money to private non-Indian groups to train and educate Indians and it has provided scholarship money for Indians to attend private non-Indian schools and institutions. And in recent years the federal government has attempted to resolve the paradox of Indian dependency and Indian sovereignty by inaugurating education programs which provide for greater Indian control over program content and which cater to the unique Indian culture to the end that Indians may eventually sustain a competitive position as self-governing units within American society.

Laurie McMaous
Legislative Attorney

Mr. QUIE. Rather than ask questions, I have met with people, and when Mr. Bordeaux first talked to me about this legislation I had some reservations about it, but I have satisfied those questions in my own mind.

To me, Mr. Chairman, it boils down to the fact that we have a responsibility in the Federal Government to do what the States have done for the other people of this Nation in community colleges. The community colleges were considered a worrisome institution by a number of 4-year institutions and universities in this Nation. However, as has happened in other places where you build an automobile dealership out of town and then all the other automobile dealers come there because of that competition, we have sort of the reverse here. It does something to have an educational institution in the community where people live. There are role models.

If Indian people are going to advance, they need to move into higher education. The Indian culture is different from that of those of us who came from the European style. I am convinced that that culture is an important part of it. It will work for them if they have the opportunity to have community colleges on the reservation.

It is recognized that there are some Indians who will go to 4-year institutions and non-Indian institutions just like all kinds of other people go to Harvard and what have you. But the community college program has worked exceedingly well in this Nation and I believe it is an important part of the Indians finding their place in our society and advancing themselves.

The reason you have to do it on the Federal level is that Indians on reservations are not required to pay property taxes. They can't put pressure on, like people in the States that have community colleges cr[illegible]

I rem[illegible]ber once a colleague from Florida said that, when we get going on community college legislation in this committee, it is like getting the measles. You have one in one part and they want it in

the other. The people in those other parts of the States have paid taxes and have all the force and pressure.

The Indians don't have that. They have some individuals who are non-Indians who have developed an interest in them. That tends to be sometimes more emotional than backing up the dollars in the State. Sometimes they have other things behind them.

I am so convinced this is a necessary part of Government responsibility that I believe we ought to move ahead with the legislation because it is unique to Indians. It is not a precedent that is going to be set for the rest of the country. It is the responsibility of the Federal Government.

Mr. FORD. Without objection, I would like to insert in the record at this point a statement prepared for delivery today by Congressman Mark Andrews of North Dakota who is a cosponsor of this legislation and offers his statement in support of the legislation; together with an attachment in the form of testimony by W. Larry Belgarde of Turtle Mountain Community College at Belcourt, N. Dak.

[The statements referred to follow:]

TESTIMONY BY HON. MARK ANDREWS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NORTH DAKOTA

MR. CHAIRMAN: I appreciate the opportunity to testify on behalf of H.R. 11104, the "Tribally Controlled Community College Assistance Act of 1977," designed to promote the betterment of postsecondary education for American Indians. If American Indian tribes are to achieve self-determination, they must develop and control their own schools, including institutions of higher education. We all know that higher education provides leadership and vitality across our land through the Community College system. Native Americans, especially the ones on the reservations, need to continue to broaden the qualities of leadership and skill so essential to progress. I would also like to include a separate statement from W. Larry Belgarde of Turtle Mountain Community College at Belcourt, North Dakota. I believe that Mr. Belgarde's testimony regarding the Chippewa Indians at Turtle Mountain Community College provides concrete evidence of the problems faced by our native Americans, but more importantly suggests the great potential for success of higher educational institutions on the reservation.

Due to a lack of adequate facilities, our Indians have been forced off the reservations to seek postsecondary education. This situation becomes more complicated when you consider the fact that Indian students are generally older, and in many instances are faced with the problem of moving their entire family off the reservation. The present Indian drop-out rate has climbed to a level of over 50%, and in some areas is as high as 90%, due primarily to the many difficulties which accompany the pursuit of an education off the reservation.

H.R. 11104, a bill which I am proud to co-sponsor, helps to eliminate this problem by providing realistic access to college level instruction not otherwise available on the reservations. By providing these institutions with the monies they so desperately need, we are both educating our native Americans and providing them with the incentive to continue the process by educating themselves. A developed educational structure also helps to maintain a high level of leadership on the reservation and signifie the contemporary era of programs for Indians by Indians.

Mr. Chairman, I believe that the enactment of this legislation will stand as a positive indication of the government's commitment to Indian self-determination and the improvement of Indian lives through higher education. I strongly urge the Subcommittee's prompt and favorable consideration of this legislation, so that we may place the educational future of our native Americans on the reservation, where it belongs.

STATEMENT OF W. LARRY BELGARDE

TURTLE MOUNTAIN COMMUNITY COLLEGE

BELCOURT, NORTH DAKOTA 58316

FOR

HOUSE SUBCOMMITTEE ON POST-SECONDARY EDUCATION HEARINGS

ON

HR 11104 "TRIBALLY-CONTROLLED COMMUNITY COLLEGE ACT OF 1978"

MAY 4, 1978

Turtle Mountain Community College urges passage of H.R. 11104, the "Tribally-controlled Community College Act of 1978". The Act embodies assistance supportive of tribal self-determination and enhancement of the post-secondary opportunities available to Indian people.

The need for its passage is seen in the following:

1. Attrition rates for Turtle Mountain Chippewa Indian students at off-reservation colleges exceeds 50% in most cases. Reasons cited are inaccessibility to a realistic amount of financial aids to maintain attendance, distance of colleges geographically, culturally and socially from home communities, and inapplicability of colleges' curricula to Indian reservation problems.

2. The Tribe lacks a local tax base to provide financial assistance toward maintenance of a local college. The Turtle Mountain Reservation has been officially designated an Economically Depressed Area.

3. The State of North Dakota lacks authority and desire to provide financial assistance to an on-reservation college, claiming that such assistance is inappropriate because the Turtle Mountain Reservation is in a trust relationship with the Federal government. Accordingly, their obligations to North Dakota's Indian citizens is adequately fulfilled by allowing their matriculation at off-reservation post-secondary institutions.

4. The Bureau of Indian Affairs claims that no clear statuatory authority exists to aid Indian colleges and inaufficient appropriations exists to respond to Turtle Mountain Chippewa Tribal Council requests for funding for Turtle Mountain Community College.

5. The U.S. Office of Education perceives their role as supplemental, providing funding if and when Turtle Mountain Community College has achieved its basic support from other sources. Additional U.S.O.E.'s general policy is funding students directly rather than institutions themselves.

6. Current funding is derived from competitive grants for which Turtle Mountain Community College is in a weak position in that it lacks the size and matching resources of state or privately-funded established colleges.

7. Private sources and most federal sources demand accreditation as a condition of eligibility. Yet, accreditation agencies demand that a higher education institution have a stable funding base to be considered for candidate status for accreditation -- a classic Catch 22 situation.

8. Title III - Aid to Developing Institutions (of higher education) funds are channeled through North Dakota State University - Bottineau Branch to finance on-reservation classes. Turtle Mountain Community College is listed as the "assisting" institution. Thus, tuition is collected by NDSU-BB not TMCC. This runs completely counter to the Tribe's expressed wishes to have its own self-determining college, but is tolerated as being "better than no on-reservation college classes at all!"

Despite the above, the tribally-chartered Turtle Mountain Community College has demonstrated that an Indian-controlled community college is a viable model for the Turtle Mountain Chippewa.

1. The attrition rate is less than 10%.

2. The Tribe receives the benefit of a high concentration of Indian professionals with post-graduate degrees.

3. The curriculum specifically addresses problem-solving skills applicable to reservation specific problems rather than a generalist "society's ills" approach.

4. Each year over 200 students enroll at Turtle Mountain Community College, most of who would probably not have attempted college had it not been available locally.

5. A high proportion of the older, married, and part-time employed tribespeople neither considered nor reached by off-reservation colleges are currently enrolled.

6. Turtle Mountain Community College sponsors an alcoholism research project that received some of the highest ratings for funding consideration, based upon the quality of its past performance.

For the above reason we strongly urge passage of H.R. 11104, the "Tribally-controlled Community College Act of 1978."

Statement of Hon. Harold T. (Bizz) Johnson, a Representative in Congress From the State of California

Mr. Chairman:

As a co-sponsor of H.R. 11104, a bill to provide grants to Indian controlled community colleges, I am pleased to express my appreciation for this hearing and my support for this important legislation. Because of the [illegible] deadline for new authorizing legislation I am hopeful that action can be taken before that date.

I support this legislation because it would provide basic support grants for community colleges controlled by Indian tribes. It would also make badly needed construction funds available to these colleges. Our Indian community colleges are struggling to provide a valuable and necessary service to their communities. They have done extremely well given the circumstances, but they desperately need more help.

A few questions have arisen about this bill, and I would like to share with you just a few comments in response. I believe the question regarding "precedent for other groups" is adequately addressed because the "Educational assistance" being provided to the various Indian tribes under the proposed bill is based on the treaties entered into between Indian tribes and the United States Government. No other group of citizens enjoy this unique relationship with their government.

The nature, structure and authorities vested in Indian tribal governments through Congressional action and by Indian reservation citizens provides the power for Indian governments to govern themselves without hindrance from non-Indians. It is by exercise of such authority that the proposed board of directors or trustees are or should be composed of a majority of Indians. My concern is that if the composition of board of trustee membership is not in favor of an Indian majority, the problems which arise due to lack of local control will again cause consternation and frustration for our Indian citizens.

The Indian managed postsecondary schools do not, have not, and probably never will knowingly segregate their institutions. Rather, it is a situation where the majority of residents happen to be Indians. Moreover, the powers and authorities vested in Indian governments do not extend to non-Indian citizens. One can imagine the complexities of the problems that can become involved. These Indian controlled institutions are considered public institutions and anyone seeking entrance is admitted without regard to race, color or creed. At least one institution has had even foreign students.

Mr. Chairman, I strongly recommend that positive action be taken on this bill at an early date so that our Indian citizens can provide education and training on their own terms. I urge the committee to give this legislation favorable consideration.

RON MARLENEE
Montana

WASHINGTON OFFICE:
1520 Cannon House Office Building
Washington, D.C. 20515
(202) 225-3211

Congress of the United States
House of Representatives
Washington, D.C. 20515

[illegible]
Great Falls, Montana 59403
(406) 453-[illegible]

310 North 26th Street
Suite 3420-22
Billings, Montana 59101
(406) 657-6753

May 4, 1978

Honorable William D. Ford
Chairman
Subcommittee on Post Secondary Education
Committee on Education and Labor
House of Representatives
Washington, D. C.

Dear Mr. Chairman:

I am writing to urge your favorable consideration of the Tribally Controlled Community College Assistance Act, HR 11104.

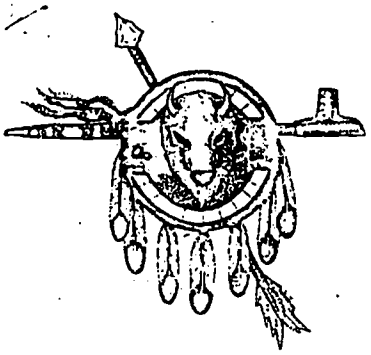
I believe there is a real need to improve and expand the opportunities for higher education for Indians on or near their own Reservations. Currently, there are five Indian community colleges in Montana, and this bill can help provide the support essential to the future success of these colleges and others which are now only in the planning stages.

Recently I wrote to the Tribes in Montana asking for their assessment on how adequately this legislation provides the means to improve post secondary education, and I have enclosed copies of these letters for your review. Education is an investment in our future, and I believe this bill provides for a particularly sound investment.

Thank you for your support for this legislation.

Sincerely,

THIS STATIONERY PRINTED ON PAPER MADE WITH RECYCLED FIBERS



FORT PECK EDUCATION DEPARTMENT

Division
Adult, Cultural, Vocational, Higher Education

FORT PECK ASSINIBOINE-SIOUX TRIBES
P.O. BOX 575
POPLAR, MONTANA 59255
Telephone 406-768-5105
406-768-3822

April 7, 1978

Honorable Ron Marlenee
128 Cannon House Office Building
Washington, DC 20515

Dear Congressman Marlenee:

It is with great pleasure and deep concern that I respond to your letter of March 31, 1978.

As an educator, charged with the responsibility of provision of Higher Education services to the residents (Indian and non-Indian), of Fort Peck Reservation, I firmly believe that the proposed legislation (H.R. 11104), will most assuredly benefit those who need it most.

As I briefly outlined in my last correspondence, the Fort Peck Tribes have recently chartered their own Fort Peck Community College, under working arrangements with both Dawson College and Miles Community College.

Fort Peck Community College opened it's doors to over 100 students registered for Winter Quarter 1978. Local instructors were hired and certified by Miles Community College and Dawson College, thereby keeping a local "flavor" to all courses offered.

The concept of a Tribally-Controlled Community College seems to be well-accepted, by both Indians and non-Indians, on Fort Peck Reservation.

The Board of Directors and the Administration of Fort Peck Community College, operate under the contention that post-secondary education on Fort Peck, needs to be designed for, and available to all residents.

I am sure you are aware that post-secondary educational services have historically been lacking or completely non-existent on Fort Peck Reservation. A few attempts have been made to provide a few scattered courses on an extension basis, but these approaches have been less than adequate, especially to Indians and non-Indians with low academic achievement.

Indians who have gone off of the reservation to further their education, have historically either made a life for themselves "out - there" or returned to an underemployed position, which wasted their formal knowledge.

The Fort Peck Tribes have prioritized post-secondary education, along with unemployment, housing and health, as programs needing continuous effort. To this end, the Tribes have provided administrative and operational funds, plus a large two classroom, library, administrative center.

Strong working agreements have been formalized with agencies such as the Bureau of Indian Affairs, Public Schools, Indian Health Service, State Vo-Ed Offices and all Colleges and Universities in Montana.

The prospects of relevant and on-going provistor of Higher Education Services on Fort Peck Reservation, are beginning to brighten.

Unemployment on Fort Peck Reservation runs up to 48% at times during the year.

Education for employment and self-betterment is one of the keys to problem, not symptom, elimination.

I urge you to support H.B. 11104 and thank you for your attention to this important matter.

Sincerely,

Robert L. McAnally
Education Coordinator

SALISH KOOTENAI COMMUNITY COLLEGE
Drawer B Ronan, Montana 59864
406 676 2401

[illegible]

April 7, 1978 9/7

[illegible] Marlenee
[illegible] Office Building
Washington, D.C. [illegible]15

Dear Mr. [illegible],

[illegible] letter request[illegible] H.R. [illegible], [illegible] community colleges bill [illegible] complete support to H.R. [illegible] bill as well.

[illegible] five Indian community [illegible] are in operation [illegible] Montana: Salish Kootenai Community College, Blackfeet Community College, [illegible] Community College, Fort Peck Community College, and [illegible] Memorial College. A sixth Montana [illegible] community [illegible] cooperative arrangement between [illegible], and [illegible] the planning stage.

[illegible], all of these [illegible] from the passage of [illegible] bill [illegible].

[illegible]

[illegible]

Michael [illegible]
Salish Kootenai Community College

No. 5343

RESOLUTION
OF THE GOVERNING BODY OF
THE CONFEDERATED SALISH AND KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION

RESOLUTION SUPPORTING H.R. 9158, "THE TRIBALLY CONTROLLED COMMUNITY COLLEGE ASSISTANCE ACT"

WHEREAS the Confederated Salish and Kootenai Tribes have been organized to represent, develop, protect and advance the views, interests, resources, and education of its members; and

WHEREAS the Tribal Business Council declared the establishment of Salish Kootenai Community College; and

WHEREAS the Salish Kootenai Community College is in full operation with a duly appointed Board of Directors; and

WHEREAS there exists a demonstrated need for postsecondary education opportunities to be available within Indian communities; and

WHEREAS there is a need for an alternative to the forced exodus of Indian people from their home communities in search of higher education opportunities; and

WHEREAS such legislation, S. 1215 has passed the U.S. Senate and H.R. 9158 is pending in the U.S. House of Representatives; and

NOW THEREFORE BE IT RESOLVED that the Confederated Salish and Kootenai Tribes urges support of H.R. 9158; and

BE IT FURTHER RESOLVED that the Confederated Salish and Kootenai Tribes urges that funds be made available at the earliest possible time for operating tribally chartered colleges.

CERTIFICATION

The foregoing resolution was adopted by the Tribal Council of the Confederated Salish and Kootenai Tribes on the 03rd day of March, 1978 with a vote of 8 for, 1 opposed, and 0 not voting, pursuant to authority vested in it by Article VI, Section 1, (a), (t) and (u) of the Tribe's Constitution and Bylaws; said Constitution adopted and approved under Section 16 of the Act of June 18, 1934, (48 Stat. 984), as amended.

Thomas E. Swaney
Chairman, Tribal Council

ATTEST:
Tribal Secretary

EXECUTIVE COMMITTEE
Ed Pard Person, Chairman
James Baker, Vice Chairman
Lee Wilson, Secretary
Eloise Cobell, Treasurer

THE BLACKFEET TRIBE

OF THE BLACKFEET INDIAN RESERVATION

BROWNING, MONTANA 59417

TRIBAL COUNCIL
Ed Pard Person
Archie St. Goddard
Baird Gervais
James Baker

RESOLUTION

NUMBER: 116-7

WHEREAS: The Blackfeet Tribal Business Council is the duly constituted Governing Body within the exterior boundaries of the Blackfeet Reservation; and

WHEREAS: The Blackfeet Tribal Business Council has been organized to represent, develop, protect, and advance the views, interests, education, and resources of the Indian people of the Blackfeet Indian Reservation; and

WHEREAS: The Blackfeet Tribal Business Council recognizes the demonstrated need for post-secondary education to be delivered to the people of the Blackfeet Reservation; and

WHEREAS: The Blackfeet Tribal Business Council has chartered the Blackfeet Community College to provide post-secondary education to the people of the Blackfeet Reservation; and

WHEREAS: The Blackfeet Tribal Business Council has appointed the Blackfeet Board of Tribal Educators to administer the Blackfeet Community College; and

WHEREAS: The Blackfeet Community College has been accepted for membership in the American Indian Higher Education Consortium; and

WHEREAS: The American Indian Higher Education Consortium and the Blackfeet Board of Tribal Educators support and endorse the concept and intent of S 1215 and H 9158; and

WHEREAS: The National Congress of American Indians and the National [illegible] Council on Indian Education have both gone on record supporting and endorsing S 1215 and H 9158; and

WHEREAS: These two bills (S 1215 and H 9158) do address the need to provide grants to Tribally Controlled Community Colleges which would provide the Blackfeet Community College with funding to further develop and expand its existing programs; and

NOW THEREFORE BE IT RESOLVED: That the Blackfeet Tribal Business Council supports and endorses S 1215 and H 9158 in providing grants to Tribally Controlled Community Colleges with funding that is adequate and equitable, and

EXECUTIVE COMMITTEE
Earl Old Person, Chairman
James Baker, Vice-Chairman
Lee Wilson, Secretary
Eloise Cobell, Treasurer

THE BLACKFEET TRIBE

OF THE BLACKFEET INDIAN RESERVATION

BROWNING, MONTANA 59417

TRIBAL COUNCIL
Earl Old Person
Lee Wilson
Joe Show
Archie Bl[illegible]
Floyd Gervais
James Beaver
[illegible]
[illegible]
Terry [illegible]

RESOLUTION

NUMBER: 116-78

WHEREAS: The Blackfeet Tribal Business Council is the duly constituted Governing Body within the exterior boundaries of the Blackfeet Reservation; and

WHEREAS: The Blackfeet Tribal Business Council has been organized to represent, develop, protect, and advance the views, interests, education, and resources of the Indian people of the Blackfeet Indian Reservation; and

WHEREAS: The Blackfeet Tribal Business Council recognizes the demonstrated need for post-secondary education to be delivered to the people of the Blackfeet Reservation; and

WHEREAS: The Blackfeet Tribal Business Council has chartered the Blackfeet Community College to provide post-secondary education to the people of the Blackfeet Reservation; and

WHEREAS: The Blackfeet Tribal Business Council has appointed the Blackfeet Board of Tribal Educators to administer the Blackfeet Community College; and

WHEREAS: The Blackfeet Community College has been accepted for membership in the American Indian Higher Education Consortium; and

WHEREAS: The American Indian Higher Education Consortium and the Blackfeet Board of Tribal Educators support and endorse the concept and intent of S 1215 and H 9158; and

WHEREAS: The National Congress of American Indians and the National Advisory Council on Indian Education have both gone on record as supporting and endorsing S 1215 and H 9158; and

WHEREAS: These two bills (S 1215 and H 9158 do address the need to provide grants to Tribally Controlled Community Colleges which would provide the Blackfeet Community College the funding to further develop and expand its existing programs; and

NOW THEREFORE BE IT RESOLVED: That the Blackfeet Tribal Business Council supports and endorses S 1215 and H 9158 in providing grants to Tribally Controlled Community Colleges with funding that is adequate and equitable; and

EXECUTIVE COMMITTEE
Earl Old Person, Chairman
James Baker, Vice Chairman
Lee Wilson, Secretary
Elonse Cobell, Treasurer

THE BLACKFEET TRIBE

OF THE BLACKFEET INDIAN RESERVATION

BROWNING, MONTANA 59417

TRIBAL COUNCIL
Earl Old Person
Lee Wilson
Joe Show
Archie St. Goddard
Floyd Gervais
James Baker
Leonard Child
Georgia Kipp Wildman
Terry Racine

RESOLUTION

NUMBER: 116-78

BE IT FURTHER RESOLVED: The Blackfeet Tribal Business Council shall submit this resolution of support and endorsement to the appropriate Congressional Delegations, House and Education Labor Committee, National and Local Indian organizations, and other groups and individuals concerned with the need for the development, implementation, and expansion of Tribally Controlled Community Colleges.

THE BLACKFEET TRIBE OF THE BLACKFEET INDIAN RESERVATION

ATTEST:

Secretary

Chairman

CERTIFICATION:

I hereby certify that the foregoing resolution was adopted by the Blackfeet Tribal Business Council in duly called, noticed and convened Regular Session assembled the 9th day of February, 1978 with nine (9) members present to constitute a quorum.

Secretary,
Blackfeet Tribal Business Council

Fort Belknap Community Council

(406) 353-2205
P.O. Box 249
Fort Belknap Agency
Harlem, Montana 59526

March 29, 1978
DATE

The Honorable Ron Marlenee
United States House of Representatives
House Office Building
Washington, D.C. 20515

Honorable Ron Marlenee:

The Fort Belknap Community Council recently passed Resolution 14-78 in support of H.R. 11104, "The Tribally Controlled Community College Assistance Act", which is enclosed. As you are probably aware, there are five Indian Community Colleges in the state of Montana currently offering college courses to their people. However, with the limited amounts of funds available through the Bureau of Indian Affairs, Indian Health Service, and the Office of Education, these tribes cannot offer all the courses needed and requested on reservations.

The Senate Companion bill, S. 1215, sponsored by Senators Alourezk, Burdick, Gravel, DeConcini, Jackson, Domenii and Goldwater, was passed unanimously on November 4, 1977.

Even though the Fort Belknap Indian Community does not have a community college, section 105 (b) would allow us to "initiate a feasibility study to determine whether there is justification to encourage and maintain a tribally controlled community college. . . ."

We urge that you please support H.R. 11104, "The Tribally Controlled Community College Assistance Act". Thank you

Sincerely,

John Allen, President
Fort Belknap Community Council
Fort Belknap Agency
Harlem, Montana 59526

Enclosure:

R E S O L U T I O N

WHEREAS, The Corporation is an Indian Chartered Corporation as defined by the Indian Reorganization Act of June 18, 1934, and under its Charter Constitution and By-Laws as approved by the Secretary of the Interior, has full power and authority to make and perform contracts of every description not inconsistent with law or the provisions thereof, and

WHEREAS, The Fort Belknap Community Council, in efforts to justifiable handle their soverign governmental affairs, supports the educational system on the Fort Belknap Reservation; and

WHEREAS, the control of one's own educational institution is vital to the survival and growth of tribes as distinct cultures and political entities; and

WHEREAS, there exists a demonstrated need for higher education opportunities to be available within Indian communities as an alternative to the forced exodus of Indian people from their home communities in search of higher education opportunities; and

WHEREAS, there is clear agreement among the Congress, the national Indian organizations, the tribes, and Indian people that such institutions be subject to local control as manifested by the central premise of the Indian Self-Determination and Educational Assistance Act; and

WHEREAS, there is a publicly mandated responsibility on the part of the Bureau of Indian Affairs, as embodied in Section 203.4 of Public Law 93-638, to assist the development and administration of Indian-controlled community colleges; and

WHEREAS, present efforts of the Bureau of Indian Affairs to provide assistance to only [illegible] of the eighteen tribally-chartered community colleges now existent have been grossly inadequate and unstable; and

WHEREAS, this problem has necessitated those respective tribes to seek the enactment of specific legislation for tribal colleges, as well as for other tribes to develop their own higher educational institutions; and

WHEREAS, such legislation, S.1215, has passed the U.S. Senate, and H.R. 9158 is pending in the U.S. House of Representatives; and

WHEREAS, the national Indian organizations and the tribes have expressed positions of solidarity on the need for specific authority for the funding of tribally-controlled, sanctioned or chartered community colleges and have duly expressed such support at their respective annual meetings or conventions:

NOW THEREFORE BE IT RESOLVED, That the Fort Belknap Community Council recognizes such needs and urges support of legislation to assist the development and administration of tribally-controlled community colleges; and that such funding as shall be made available upon the enactment of this legislation, shall upon the request of the tribe, go to the tribe or to any tribally-chartered division of government or to a tribally-chartered institution; and

BE IT FURTHER RESOLVED, that the Fort Belknap Indian Community Council urge that additional funds be made available at the earliest time possible for those operating tribally-chartered colleges in the dire need of funds to meet their expansion needs and to continue their present progr as allowed by their present charters and guaranteed due process.

ATTEST

Chairman

Secretary

CERTIFICATION

I, the undersigned, as Secretary of the Fort Belknap Community Council of the Fort Belknap Indian Reservation, Montana, do hereby certify that Fort Belknap Community Council is composed of 6 members of whom 5 members, constituting a quarum were present at a meeting thereof, duly and regularly called, noticed, convened and held this 21st day of March, 1978; and that the foregoing resolution was adopted by t affirmative vote of 4 for; 1 not voting, 1 absent; 0 opposed; and that the said resolution has not been rescinded in any way.

DATE: March 21- 1978

Secretary

THE FORT BELKNAP INDIAN COMMUNITY
Corporation

FORT BELKNAP AGENCY, HARLEM, MON
Address

THE NAVAJO NATION

WINDOW ROCK, ARIZONA 86515

PETER MacDONALD
Chairman, Navajo Tribal Council

WILSON C. SKEET
Vice Chairman, Navajo Tribal Council

February 7, 1978

The Honorable William D. Ford, Chairman
Subcommittee on Postsecondary Education
U. S. House of Representatives
619 House Office Building, Annex #1
Washington, D. C. 20515

ATTENTION: Patricia Morse, Staff

Dear Chairman Ford:

As your Committee prepares for Hearings February 22nd on H. R. 9158 - "The Tribally - Controlled Community College Assistance Act," The College of Ganado Board of Regents respectfully submits this correspondence and attached information as testimony in addition to its October 13, 1977 statement, as made before your Subcommittee.

The enclosed Tribal Council Formal Sanctions, from the Hopi and Navajo Indian Tribes, represent both satisfaction of all eligibility criteria for participation in the legislation, as well as binding legal documents for the conduct of educational and community program services on behalf of Hopi and Navajo students, by The College of Ganado.

Recognizing the historical importance of private education in Reservation communities, and that fully 1/5 th of all American Indians in colleges today are, by their own choice, enrolled in private schools, this institution's Board of Regents earnestly requests that you give due consideration to these solemn, singularly-taken, recent actions of the Hopi and Navajo Tribal Councils. Their formal sanctioning of The College of Ganado is an attest to their desire that this institution be included among those schools participating in legislation emerging from H. R. 9158.

Should additional information and/or testimony be desirable, please notify me and I will comply as requested.

Sincerely yours,

Roger C. Davis, Chairman
The Board of Regents

Enc: Tribal Council Formal Sanctions --- Hopi and Navajo Tribes
Testimony Statement, 10/13/77.

HOPI TRIBE
RESOLUTION
H-7-78

WHEREAS, in 1901 Ganado Mission was established and began religious and educational programs under the auspices of the United Presbyterian Church on the 110 acre Ganado compound. This land under an Act of Congress and a deed filed in 1920 by President Woodrow Wilson is fee-patented land dedicated as private and independent belonging in perpetuity to the United Presbyterian Church; and

WHEREAS, in 1969 with the growth of public education in the surrounding Reservation rendering unnecessary a Mission School, the College of Ganado was chartered as a non-denominational non-profit post-secondary educational institution, operating under the laws of the State of Arizona; and

WHEREAS, the College of Ganado is fully accredited in the State of Arizona and was granted status as a candidate for accreditation in 1973 by the North Central Association of Schools and Colleges, towards which normal progress for full accreditation continues today; and

WHEREAS, the College of Ganado is in its second to last year of a decreasing $200,000, $100,000, $0 "transition toward self-sufficiency," grants for the United Presbyterian Church which means discontinuance of historic support and freeing the institution from denominational control; and

HOPI TRIBE
RESOLUTION
H-7-78

WHEREAS, the College of Ganado Board of Regents have full authority and ultimate responsibility for the College of Ganado--for its fiscal plant, personnel and student body, institutional resources, administration, operating budget, development, endowment and relation with the outside world--and at this monumental time endeavors to satisfy operational financial support; and

WHEREAS, financial stability will permit the College of Ganado to take part in the post-secondary professional and training needs of native Americans, and that support can be attained with the passage of House Resolution 9158 "Tribally Controlled Community College Assistance Act of 1977" of the 95th U. S. Congress whose purpose is to provide grants for the development, operation, and improvement of tribally controlled post-secondary educational institutions to insure continued and expanded educational opportunities for native American students; and

WHEREAS, to be eligible for assistance under H. R. 9158 a tribally controlled (H.R. 9158, Sec. 2 definition - Sub. Sec. 4 "Tribally Controlled Community College" means an institution of higher education which is formerly controlled or has been formally sanctioned or chartered for the governing body or an Indian tribe or tribes) community college must be one which:

HOPI TRIBE
RESOLUTION
H-7-78

1. Is governed by a Board of Directors or Board of Trustees, a majority of which are Indian;
2. Demonstrates adherence to stated goals, a philosophy, or a plan of operation which is directed to meet the needs of Indians; and
3. if in operation for more than one year has students a majority of which are Indians; and

WHEREAS, the College of Ganado meets all three criteria for eligibility to complete for federal grants under H. R. 9158 but it is not now formally sanctioned by any formally recognized tribe.

NOW THEREFORE BE IT RESOLVED upon review of all pertinent documents regarding the present status of the College of Ganado, the Hopi Tribe hereby declares full sanction authorizing College of Ganado to provide post-secondary education to Hopi students as well as all other students. Sanction is hereby authorized through Hopi Tribal Constitution and By-Laws.

BE IT FURTHER RESOLVED throughout the life of this sanction the Hopi Tribal Council shall appoint no less than 25% of the College of Ganado Board of Regents to represent additional interest of the Hopi Tribe.

BE IT FINALLY RESOLVED that the Hopi Tribe shall never be held legally, financially, or operationally liable in

HOPI TRIBE
RESOLUTION
H-7-78

any form or manner regarding College of Ganado, that such responsibilities are vested in the College Constitution and By-Laws of the College of Ganado Board of Regents.

C E R T I F I C A T I O N

The foregoing resolution was duly adopted by the Hopi Tribal Council on December 16, 1977, at a meeting at which a quorum was present, with a vote of 9 in favor, 2 opposed, 4 abstaining (Vice-Chairman presiding and not voting) pursuant to authority vested in the Hopi Tribal Council by Section 1(a) of Article VI of the Constitution and By-Laws of the Hopi Tribe of Arizona, ratified by the Tribe on October 24, 1936, and approved by the Secretary of Interior on December 19, 1936 pursuant to Section 16 of the Act of June 18, 1934. Said resolution is effective as of the date of adoption and does not require Secretarial approval.

Stanley Honanie, Vice-Chairman
Hopi Tribal Council

ATTEST:

Doris Honanie, Secretary
Hopi Tribal Council

CJA-3-78

Class "C" Resolution
No BIA Action Required.

RESOLUTION OF THE
NAVAJO TRIBAL COUNCIL



Authorizing Full Sanction by the Navajo Tribal Council to the College of Ganado to Conduct Post Secondary Education for Native Americans

WHEREAS:

1. The Navajo Tribal Council is empowered to authorize and sanction organizations other than the Navajo Tribe to operate within the outer boundaries of the Navajo Nation; and

2. In 1901 Ganado Mission was established and began religious and educational programs under the auspices of the United Presbyterian Church on the 110-acre Ganado compound. This land, under an Act of Congress and a deed signed in 1920 by President Woodrow Wilson, is fee-patent land dedicated as private and independent, belonging in perpetuity to the United Presbyterian Church; and

3. In 1969, with the growth of public education in the surrounding reservations rendering unnecessary a mission high school, the College of Ganado was chartered as a non-denominational, non-profit, post-secondary educational institution, operating under the laws of the State of Arizona; and

4. The College of Ganado is fully accredited in the State of Arizona and was granted status as a candidate for accreditation in 1973 by the North Central Association of Schools and Colleges, towards which normal progress for full accreditation continue today; and

5. The College of Ganado is in its second to last year of a decreasing $200,000.00, $100,000.00, 0.00, "transition toward self-sufficiency" grant from the United Presbyterian Church, which means discontinuance of historic support and freeing the institution from denominational control; and

6. The College of Ganado Board of Regents has full authority and ultimate responsibility for the College of Ganado for its physical plant, personnel, and student body, institutional resources, administration, operating budgets, development, endowment and relations with the outside world, and at this monumental time and endeavors to solidify operational financial supoort; and

7. Financial stability will permit the College of Ganado to take part in the post-secondary professional and training needs of Native Americans, and that support can be attained with the passage of House Resolution 9158 "Tribally Controlled Community College Assistance Act of 1977" of the 95th U.S. Congress whose purpose is to provide grants for the development, operation, and improvement of tribally controlled post-secondary educational institutions to insure continued and expanded educational opportunities for Native American students; and

8. To be eligible for assistance under HR 9158, a tribally controlled (H.R. 9158-Section 2 DEFINITIONS-subsection (4) "Tribally Controlled Community College" means an institution of higher education which is formally controlled, or has been formally sanctioned or chartered, by the governing body of an Indian Tribe or Tribes) community college must be one which:

1) is governed by a board of directors or board of trustees, a majority of which are Indians;

2) demonstrates adherence to stated goals, a philosophy, or a plan of operation which is directed to meet the needs of Indians; and

3) if in operation for more than one year, has students, a majority of which are Indians; and

9. The College of Ganado meets all three (3) criteria for eligibility to compete for federal grants under H.R. 9158, but it is not now formally sanctioned by any Federally recognized tribe.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Navajo Tribal Council hereby authorizes and gives full sanction to the College of Ganado to provide post-secondary education to Navajo, other Native Americans, and ethnic groups.

2. The Navajo Tribe shall never be held legally, financially or operationally liable, regarding the College of Ganado, such responsibilities are vested in the College of Ganado by its Constitution and Bylaws, and the College Board of Regents.

3. The intent of the Navajo Tribal Council is that full funding for the Navajo Community College as specified in Title III of H.R. 9158 shall in no way be jeopardized or lessened by the granting of this section.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Navajo Tribal Council at a duly called meeting at Window Rock, Navajo Nation (Arizona), at which a quorum was present and that same was passed by a vote of 56 in favor and 0 opposed, this 19th day of January, 1978.

Chairman
Navajo Tribal Council

The College of Ganado
Ganado, Arizona 86505
(602) 755-3442

April , 1978

The Honorable William D. Ford
Chairman
Subcommittee on Postsecondary Education
619 House Office Building, Annex #1
Washington, D.C. 20515

Dear Chairman Ford:

With reference to our correspondence exchange in February, in which you indicated that the Tribal Council Resolutions undertaken by the Hopi and Navajo Tribes (those sanctioning The College of Ganado for the provision of educational and community service programming for their peoples) would be included as part of the hearing record for "The Tribally Controlled Community College Assistance Act," I wanted to receive confirmation from you that these solemn expressions of tribal sovereignty would be a part of the legislative history of H.R.11104, as compiled from the hearings to be held May 4, 1978.

I also wanted you to be aware, and am requesting that it also be made a part of the hearing record, that our institution's Board of Regents (75% American Indian) considers these sanctions to be the satisfaction of final eligibility requirements for The College of Ganado, as detailed for us by the Advisory Study Group on Indian Education's Chairman, Representative Michael T. Blouin, during my oral testimony at the October 13, 1977, hearings. For the record, that exchange was as follows:

> Mr. Blouin: "Mr. Davis, would Ganado be able to obtain a charter or a mandate from any tribe that you are aware of? . . .I am not talking about an endorsement. I am talking about a charter or mandate, which, if it were extended from the Navajo, Hopi, or any Indian nation, would qualify Ganado for the legislation."
>
> Mr. Davis: "I believe we could, but we have not tried it."
>
> Mr. Blouin: "If you did that, you would qualify under the bill as written today."

30-327 O - 78 - 7

In essence, our Board of Regents are of the opinion that Mr. Blouin's and Mr. Davis' exchange serves to exemplify the spirit of the statement of policy as made by the National Congress of American Indians, at their 34th Annual Convention in Dallas, Texas, during September, 1977. Because of the importance of this statement to The College of Ganado's position, I want to re-state it here, while indicating that college development personnel have closely discussed its meaning and intentions with N.C.A.I. Board Member, Mr. Eugene Crawford, spokesman for the policy statement at the September convention. That policy statement is as follows:

> "While the National Congress of American Indians supports tribal institutions, NCAI urges the U.S. Congress to make assistance available to all tribal higher education programs whether or not the tribe has chosen to utilize a separately chartered or formally sanctioned institution of higher education such as community colleges, and that funding for post-secondary education institutions upon the request of the tribe shall go to the tribe or to any tribally chartered, formally sanctioned division of government or to a tribally chartered, formally sanctioned program."

In further support of The College of Ganado Regents' position with regard to H.R.11104, I have asked both the Arizona Native American Education Association and the National Indian Education Association to consider endorsing resolutions for our institution. These organizations are currently considering such actions and I will be pleased to report to you the result of our requests as soon as I receive them.

Mr. Chairman, thank you for your consideration of this request regarding the legislative history of H.R.11104, and be assured that I will quickly provide any amplification you might desire regarding The College of Ganado's position, and/or be pleased to provide personal testimony at the May 4th hearing.

Sincerely,

Roger C. Davis, Chairman
Board of Regents
The College of Ganado
Arizona

cc: Dr. Thomas C. Jackson, President, The College of Ganado, Arizona

F 2200

U.S. DEPARTMENT OF COMMERCE
Social and Economic Statistics Administration
BUREAU OF THE CENSUS

A Census Portrait of ARIZONA

CP73-3
Issued January 1974

STATISTICS FROM A FEDERAL CENSUS, LIKE A[N] ... OF THE PEOPLE OF EACH STATE AND THE NAT... "S PENCIL SKETCH A PORTRAIT ...N AT ONE POINT IN HISTORY.

DUPLICATE

1970 Arizona Population At A Glance

Total	1,770,900	Males	871,006
Urban	1,408,864	Females	899,894
Urban fringe (Suburban)	313,046	Whites	1,604,948
		Blacks	53,344
Rural	362,036	Spanish language	333,349
Farm	23,273		

How Many? Arizona's population in the 1970 census totaled 1,770,900, ranking it 33rd among the States and the District of Columbia. Its population density was 16 persons per square mile. The 1970 population was 80 percent urban and 20 percent rural.

The 1970 total was 36 percent greater than the 1960 population. About 243,000 of this population growth was due to natural increase (births minus deaths) during the decade. Arizona had a net gain of approximately 226,000 persons because of people moving into the State.

Phoenix, the State's largest city, had a 1970 population of 581,562, an increase of 32 percent over 1960. The 1970 population of the Phoenix Standard Metropolitan Statistical Area (Maricopa County) was 967,522, a 46 percent gain over 1960.

Cities of 25,000 or more with their 1960-70 population growths were:

Tucson	262,933	+ 24%	Glendale	36,228	+128%
Scottsdale	67,823	+577%	Yuma	29,007	+ 21%
Tempe	62,907	+153%	Flagstaff	26,117	+ 43%
Mesa	62,853	+ 86%			

Ethnic Groups. Major nationalities in Arizona's first and second generations from other countries included 113,816 from Mexico (31,303 born there); 25,653 from Germany (5,107 born there); 26,136 from Canada (8,295 born there); and 19,866 from the United Kingdom (4,815 born there). There 333,349 persons of Spanish language or surname.

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Price 10 cents a copy. A 25 percent discount for 100 or more copies mailed to the same address.

Racial Makeup. The white population totaled 1,604,948 in 1970. Other racial groups included 95,812 American Indians; 53,344 blacks (11 percent more than in 1960); 3,878 Chinese; 2,394 Japanese; and 1,253 Filipinos.

Age of the Population. The median age of the Arizona population was 26.3 years, compared with 28.1 years for the U.S. Of Arizona's 1970 population, 161,474 were 65 or older and 158,675 under 5 years. The total of school age, 5 to 17, was 485,300 and the college age group, 18 to 21, numbered 126,879. The remainder, 22 to 64, totaled 838,572.

Single, Married, Divorced. Among women age 14 and older, 138,097 had never married; 415,615 were married (10,540 of them separated); 66,501 widowed; and 33,804 divorced. Totals for men 14 and older were: 170,463 single; 410,438 married (6,886 of them separated); 14,944 widowed; and 21,038 divorced. There were 438,573 families in the State, 386,283 of them husband-wife families.

Income. Half of Arizona's families had above and half below an income of $9,185 in 1969, ranking the State 25th in median family income (1969 income was reported in the 1970 census). The U.S. median was $9,586. The Arizona median for white families was $9,482; for its black families it was $5,716.

About 12 percent of the State's families (50,538 families) were below the low-income or poverty line in 1969. The 1969 poverty level was $3,743 for a nonfarm family of four.

Schooling. There were 544,155 Arizonans 3 to 34 years old enrolled in school or college at the time of the census: 9,047 were in nursery school; 334,303 in kindergarten or elementary school; 128,663 in high school; and 72,142 in college.

Of the 915,737 persons 25 or older in Arizona, 58 percent had completed at least 4 years of high school and 13 percent at least 4 years of college. The median number of school years finished by this age group was 12.3 years, compared with the national median of 12.1 years.

Among Arizonans in their working years (16 to 64), 33 percent of the men and 23 percent of the women with less than 15 years of schooling had had vocational training of some type.

Workers and Jobs. There were 426,375 men workers age 16 or older in 1970; 385,814 of them had civilian jobs and 25,266 were in the Armed Forces. Women workers totaled 240,434 of whom 228,241 had civilian jobs and 543 were in the Armed Forces.

There were 81,646 men working as craftsmen, foremen, and kindred workers (in skilled blue collar jobs); 63,009 as professional, technical, or kindred workers; and 47,884 as nonfarm managers and administrators; while operatives, except transport, totaled 37,886. Operatives are chiefly operators of equipment in manufacturing industries.

A total of 79,918 women were employed in clerical and kindred jobs; 40,187 in nonhousehold service work; 39,052 in professional, technical, and kindred work; 22,971 as nontransport operatives; and 18,522 in sales work.

There were 31,127 Federal employees, 31,449 State employees, and 53,651 local government employees at the time of the 1970 census.

Arizona's Housing. Housing units for year-round use numbered 578,490 in 1970, a 45 percent increase over 1960. They had a median of 4.6 rooms per unit, and 73 percent were single family homes. Forty-two percent of the units were built between 1960 and 1970.

A total of 539,157 units were occupied with an average of 3.2 persons per unit. Sixty-five percent were occupied by the owners. Median value of owner-occupied homes was $16,400 and renters paid a median of $109 per month.

The presence of piped water, toilet, and bath for exclusive use of the household is an indication of housing quality. In 1970, only 5 percent of all year-round housing in Arizona lacked complete plumbing facilities, compared with 7 percent for the U.S.

Ninety-three percent of the households had television; 67 percent clothes washing machines; 26 percent clothes dryers; 20 percent dishwashers; 23 percent home food freezers; 41 percent two or more automobiles; and 7 percent owned a second home.

Farming in Arizona. Arizona's farms, like those of the country as a whole, are becoming fewer and larger. The 1969 Census of Agriculture counted 5,890 farms and ranches in the State, 9 percent fewer than in 1964. The average size of farms and ranches rose from 6,261 acres to 6,486 acres in the 5 years. Their 1969 average value was $452,000; the average value per acre, $70.

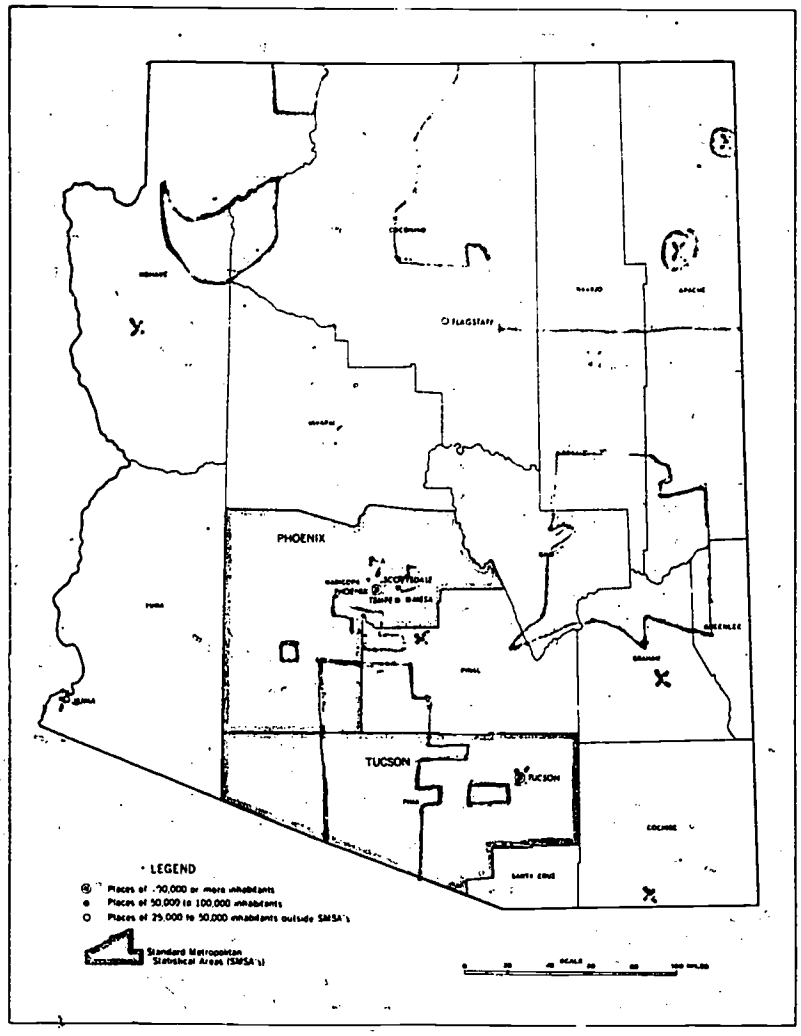
The 1970 farm and ranch population totaled 23,273, a 53 percent drop from 1960.

The market value of all agricultural products sold by Arizona farms and ranches was $611.2 million in 1969. Livestock, poultry, and their products accounted for $372 million; crops, 236.5 million; and forest products, $2.6 million.

A map of Arizona on the back page shows the counties, standard metropolitan statistical areas, and selected places.

* * * * * *

Most figures are from Arizona reports: 1970 Population Census, Vol. I; 1970 Housing Census, Vol. I; 1969 Agriculture Census, Vol. I. Copies are in many libraries or may be purchased. Write to Publications Distribution Section, SESA, Washington, D.C. 20233 for order forms.


PHOENIX
TUCSON
FLAGSTAFF
LEGEND

CONGRESSIONAL RESEARCH
JUL 29 1974

U.S. DEPARTMENT OF COMMERCE
Social and Economic Statistics Administration
BUREAU OF THE CENSUS

A Census Portrait of MONTANA

CP73-27
Issued January 1974

STATISTICS FROM A FEDERAL CENSUS, LIKE AN ARTIST'S PENCIL, SKETCH A PORTRAIT OF THE PEOPLE OF EACH STATE AND THE NATION AS BEEN AT ONE POINT IN HISTORY.

1970 Montana Population At A Glance

Total	694,409	Males	347,005
Urban	370,676	Females	347,404
Urban fringe	20,430	Whites	663,043
(Suburban)	323,733	Blacks	1,995
Rural	82,129	Spanish Language	7,771
Farm			

How many? Montana's population in the 1970 census totaled 694,409, ranking it 44th among the States and the District of Columbia. Its population density was 5 persons per square mile. The 1970 population was 54 percent urban and 46 percent rural.

The 1970 total was 3 percent greater than the 1960 population. About 78,000 of this population growth was due to natural increase (births minus deaths) during the decade. Montana had a net loss of approximately 58,000 persons because of people moving out of the State.

Billings, the State's largest city, had a 1970 population of 61,581, an increase of 17 percent over 1960. The 1970 population of the Billings Standard Metropolitan Statistical Area was 87,367, an 11 percent gain over 1960.

Other important Montana cities with their 1960-70 changes were:

Great Falls	60,091	+ 9%	Helena	22,730	+12%
Missoula	29,497	+ 9%	Bozeman	18,670	+40%
Butte	23,368	-16%	Havre	10,558	- 2%

Ethnic Groups. Major nationalities in Montana's first and second generations from other countries included 21,106 from Canada (3,957 born there); 15,593 from Germany (1,855 born there); and 14,595 from Norway (1,988 born there). There were 7,771 persons of Spanish language.

Racial Makeup. The white population totaled 663,043 in 1970. Other racial groups included 27,130 American Indians; 1,995 blacks (36 percent more than in 1960); 574 Japanese; 289 Chinese; and 236 Filipinos.

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2

Age of the Population. The median age of the Montana population was 27.1 years compared with 28.1 years for the U.S. Of Montana's 1970 population, 68,736 were 65 and older and 57,054 under 5 years. The total of school age, 5 to 17, was 196,071 and the college age group, 18 to 21, numbered 47,382. The remainder, 22 to 64, totaled 325,166.

Single, Married, Divorced. Among women age 14 and older, 54,148 had never been married; 159,861 were married (2,240 of them separated); 29,598 widowed; and 9,248 divorced. Totals for men 14 and older were: 74,669 single; 158,696 married (1,784 of them separated); 7,217 widowed; and 8,485 divorced. There were 170,093 families in the State, 152,374 of th husband-wife families.

Income. Half of Montana's families had above and half below an income of $8,509 in 1969, ranking the State 33rd in median family income (1969 income was reported in the 1970 census). The U.S. median was $9,586. The Montana median for white families was $8,607; for its black families, it was $5,983.

About 10 percent of the State's families (17,920 families) were below the low-income or poverty line in 1969. The 1969 poverty level was $3,743 for a nonfarm family of four.

Schooling. There were 214,850 persons in Montana 3 to 34 years old enrolled in school or college at the time of the census: 1,587 were in nursery school; 131,293 in kindergarten or elementary school; 55,922 in high school; and 26,048 in college.

Of the 364,508 persons 25 or older in Montana, 59 percent had completed at least 4 years of high school and 11 percent at least 4 years of college. The median number of school years finished by this age group was 12.3 years, compared with the national median of 12.1 years.

Among those in their working years (16 to 64), 27 percent of the men and 18 percent of the women with less than 15 years of schooling had had vocational training of some type.

Workers and Jobs. There were 174,726 men workers age 16 or older in 1970; 159,271 of them had civilian jobs and 5,655 were in the Armed Forces. Women workers totaled 91,669 of whom 85,337 had civilian jobs and 91 were in the Armed Forces.

There were 30,152 men working as craftsmen, foremen, and kindred workers (in skilled blue collar jobs); 20,157 were nonfarm managers and administrators; 19,779 as professional, technical, or kindred workers; and operators, except transport, totaled 14,669 (chiefly operators of equipment in manufacturing industries).

A total of 27,083 women were employed in clerical and kindred jobs; 21,652 in nonhousehold service work; 15,309 in professional, technical, and kindred work; 6,552 in sales work; and 4,721 were nonfarm managers and administrators.

There were 13,345 Federal employees, 14,803 State employees, and 22,834 local government employees at the time of the 1970 census.

Montana's Housing. Housing units for year-round use numbered 240,304 in 1970, a 9 percent increase over 1960. They had a median of 4.6 rooms per unit, and 75 percent were single family homes. Twenty-one percent of the units were built between 1960 and 1970.

A total of 217,304 units were occupied with an average of 3.1 persons per unit. Sixty-six percent were occupied by the owners. Median value of owner-occupied homes was $14,200 and renters paid a median of $89 per month.

The presence of piped water, toilet, and bath for exclusive use of the household is an indication of housing quality. In 1970, 9 percent of all year-round housing in Montana lacked complete plumbing facilities, compared with 7 percent for the U.S.

Ninety-three percent of the households had television; 78 percent clothes washing machines; 55 percent clothes dryers; 23 percent dishwashers; 51 percent home food freezers; 35 percent two or more automobiles; and 7 percent owned a second home.

Farming in Montana: Montana farms, like those of the country as a whole, are becoming fewer and larger. The 1969 Census of Agriculture counted 24,951 farms and ranches in the State, 8 percent fewer than in 1964. The average size of farms and ranches rose from 2,437 acres to 2,522 acres in the 5 years. Their 1969 average value was $150,222; the average value per acre, $60.

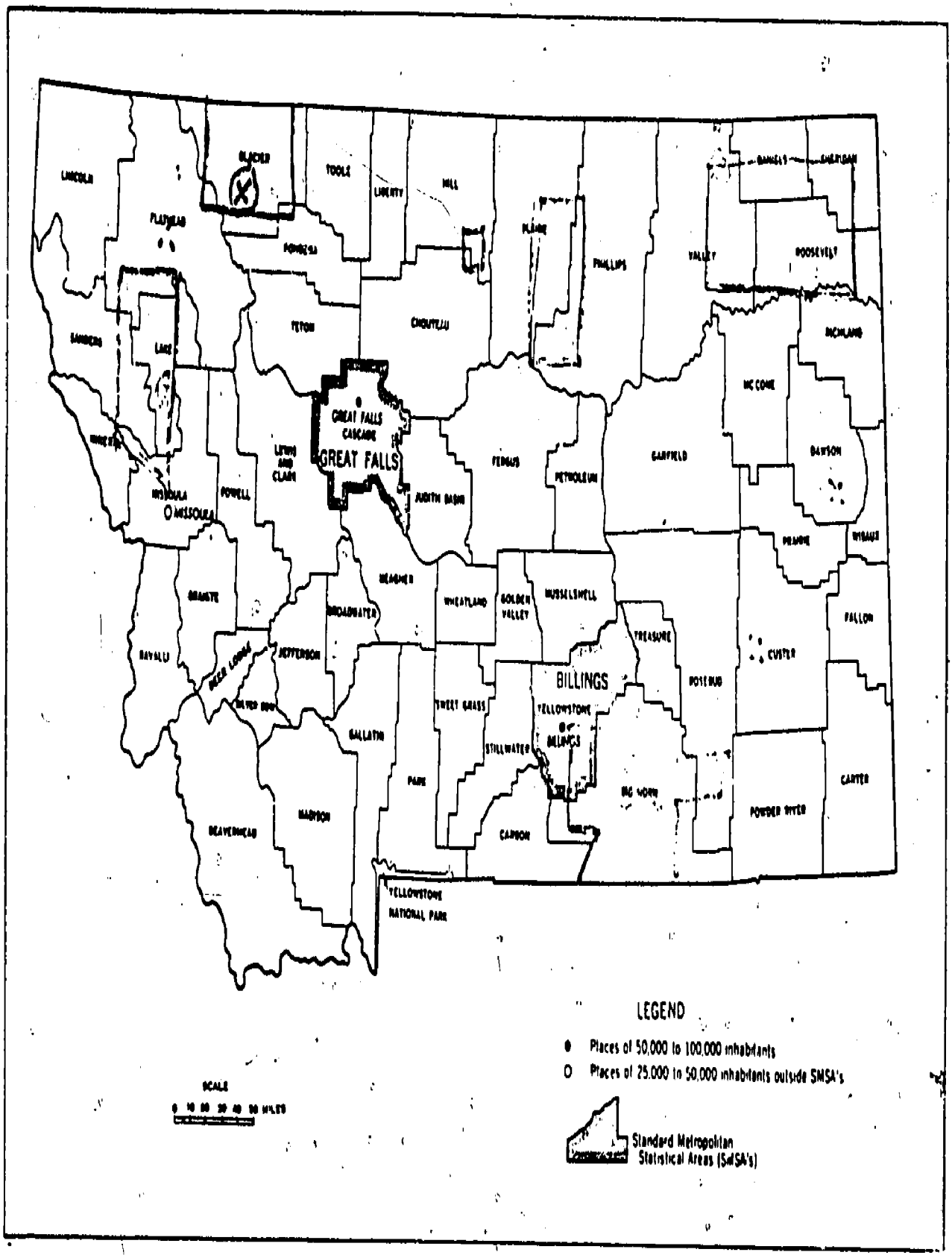
The 1970 farm and ranch population totaled 82,129, a 22 percent decrease from 1960.

The market value of all agricultural products sold by Montana farms and ranches was $575.8 million in 1969. Livestock, poultry, and their products accounted for $384.8 million; crops, including nursery products and hay, $189.4 million; and forest products, $1.5 million.

A map of Montana on the back page shows the counties, standard metropolitan statistical areas, and selected places.

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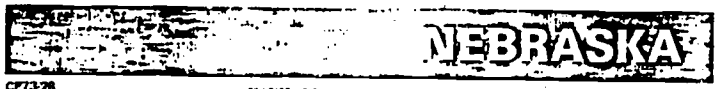
Most figures are from Montana reports: 1970 Population Census, Vol. I; 1970 Housing Census, Vol. I; 1969 Agriculture Census, Vol. I. Copies are in many libraries or may be purchased. Write to Publications Distribution Section, SESA, Washington, D.C. 20233 for order forms.


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SANDERS
LAKE
TETON
CHOUTEAU
MCCONE
RICHLAND
GREAT FALLS CASCADE
GREAT FALLS
LEWIS AND CLARK
FERGUS
PETROLEUM
GARFIELD
DAWSON
MINERAL
MISSOULA
POWELL
JUDITH BASIN
PRAIRIE
WIBAUX
GRANITE
MEAGHER
WHEATLAND
GOLDEN VALLEY
MUSSELSHELL
BROADWATER
TREASURE
FALLON
RAVALLI
JEFFERSON
BILLINGS
CUSTER
ROSEBUD
SWEET GRASS
YELLOWSTONE
GALLATIN
STILLWATER
BIG HORN
CARTER
PARK
MADISON
BEAVERHEAD
CARBON
POWDER RIVER
YELLOWSTONE NATIONAL PARK
LEGEND
Places of 50,000 to 100,000 inhabitants
Places of 25,000 to 50,000 inhabitants outside SMSA's
Standard Metropolitan Statistical Areas (SMSA's)
SCALE
0 10 20 30 40 50 MILES

JUL 00

U.S. DEPARTMENT OF COMMERCE
Social and Economic Statistics Administration
BUREAU OF THE CENSUS

A Census Portrait of



CP73-28
Issued January 1974

STATISTICS FROM A FEDERAL CENSUS LIKE AN ARTIST'S PENCIL SKETCH A PORTRAIT OF THE PEOPLE OF EACH STATE AND THE NATION AS SEEN AT ONE POINT IN HISTORY.

1970 Nebraska Population At A Glance

Total	1,483,493	Males	724,455
Urban	912,598	Females	759,038
Urban fringe (Suburban)	91,446	Whites	1,432,867
		Blacks	39,911
Rural	570 895	Spanish language	21,067
Farm	237,978		

How Many? Nebraska's population in the 1970 census totaled 1,483,493, ranking it 35th among the States and the District of Columbia. Its population density was 19 persons per square mile. The 1970 population was 62 percent urban and 38 percent rural.

The 1970 total was 5 percent greater than the 1960 population. The growth was the result of natural increase (births minus deaths) of 145,000 persons. The State lost an estimated 73,000 persons because of net out-migration.

Omaha, the State's largest city, had a 1970 population of 347,328, an increase of 15 percent over 1960. The 1970 population of the Omaha, Neb.-Iowa Standard Metropolitan Statistical Area was 540,142, an 18 percent increase over 1960.

Other major cities and their 1960-70 percentage changes were:

Lincoln	149,518	+16%	Fremont	22,962	+ 17%
Grand Island	31,269	+22%	Bellevue	19,449	+120%
Hastings	23,580	+10%	North Platte	19,447	+ 13%

Ethnic Groups. Major nationalities in Nebraska's first and second generations from other countries included 62,726 from Germany (5,576 born there); 19,551 from Czechoslovakia (1,941 born there); 17,099 from Sweden (1,591 born there); 14,160 from the U.S.S.R. (2,818 born there). There were 21,067 persons of Spanish language.

Racial Makeup. The white population totaled 1,432,867 in 1970. Other major racial groups included 39,911 blacks (36 percent more than in 1960); 6,624 American Indians; 1,314 Japanese; 551 Chinese; and 324 Filipinos.

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Age of the Population. The median age of the Nebraska population was 28.6 years, compared with 28.1 years for the U.S. Of Nebraska's 1970 population, 183,526 were 65 or older and 120,212 were under 5 years. The total of school age, 5 to 17, was 387,269 and the college age group, 18 to 21, numbered 105,785. The remainder, 22 to 64, totaled 686,691.

Single, Married, Divorced. Among women age 14 and older, 127,691 had never married; 350,202 were married (5,263 of them separated); 73,010 widowed; 16,819 divorced. Totals for men 14 and older were: 150,784 single; 346,784 married (3,644 of them separated); 16,526 widowed; 11,586 divorced. There were 372,430 families in the State; 334,996 of them husband-wife families.

Income. Half of Nebraska's families had above and half below an income of $8,562, ranking the State 32nd in median family income (1969 income was reported in the 1970 census). The U.S. median was $9,586. The Nebraska median for white families was $8,617; for black families it was $6,469.

About 10 percent of the State's families (37,971 families) were below the low-income or poverty line in 1969. The 1969 poverty level was $3,743 for a nonfarm family of four.

Schooling. There were 443,870 Nebraskans 3 to 34 years old enrolled in school or college at the time of the census: 6,365 were in nursery school; 267,912 in kindergarten or elementary school; 110,915 in high school; and 58,678 in college.

Of the 804,623 persons 25 or older, 59 percent had completed at least 4 years of high school and 10 percent at least 4 years of college. The median number of school years finished by the age group was 12.2 years, compared with the national median of 12.1 years.

Among Nebraskans in their working years (16 to 64), 24 percent of the men and 20 percent of the women with less than 15 years of schooling had had vocational training of some type.

Workers and Jobs. There were 383,226 men workers age 16 or older in 1970; 363,464 of them had civilian jobs and 11,560 were in the Armed Forces. Women workers totaled 221,016 of whom 212,601 had civilian jobs and 540 were in the Armed Forces.

There were 61,665 men working as craftsmen, foremen, and kindred workers (skilled blue collar jobs); 58,606 as farmers and farm managers; 43,484 as nonfarm managers and administrators; and 39,748 as professional, technical, or kindred workers.

A total of 67,450 women were employed in clerical and kindred jobs; 48,200 in nonhousehold service work; 34,368 in professional, technical, or kindred jobs; and 19,684 worked as nontransport operatives (chiefly operators of equipment in manufacturing industries).

There were 18,756 Federal employees, 24,888 State employees and 45,690 local government employees.

Nebraska's Housing. Housing units for year-round use numbered 511,891 in 1970, a ten percent increase over 1960. They had a median of 5.1 rooms per unit and 80 percent were single family units. Twenty-one percent of the units were built between 1960 and 1970.

A total of 473,721 units were occupied with an average of 3.0 persons per unit. Sixty-six percent were occupied by the owners. Median value of owner-occupied homes was $12,500 and renters paid a median of $95 per month.

The presence of piped water, toilet, and bath for the exclusive use of the household is an indication of housing quality. In 1970, only 6 percent of all year-round housing in Nebraska lacked complete plumbing facilities, compared with 7 percent for the U.S.

Ninety-six percent of the households had television; 81 percent clothes washing machines; 57 percent clothes dryers; 17 percent dishwashers; 44 percent home food freezers; 36 percent had two or more cars; and 3 percent owned a second home.

Farming in Nebraska. Nebraska's farms, like those of the country as a whole, are becoming fewer and larger. The 1969 Census of Agriculture counted 72,257 farms in the State, 10 percent fewer than in 1964. The average size of farms increased from 596 acres to 634 acres in the five years. The 1969 average value per farm was $97,931; average value per acre, $154.

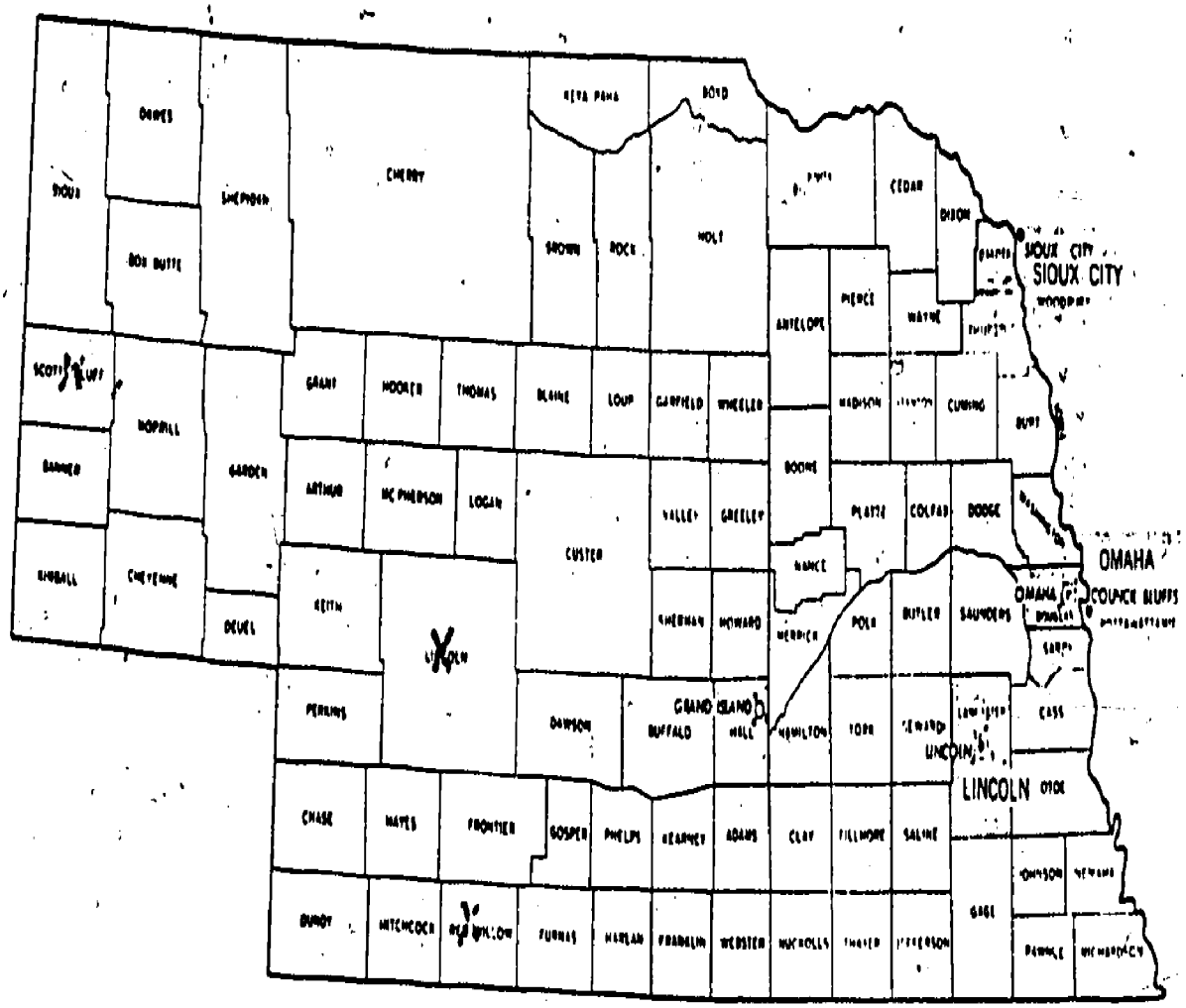
The 1970 farm population totaled 237,978, a 23 percent drop from 1960.

The market value of all agricultural products sold by Nebraska farms was $2.2 billion in 1969. Livestock, poultry, and their products accounted for $1.6 billion; crops, $536.3 million; and forest products, $136,953.

A map of Nebraska on the back page shows the counties, standard metropolitan statistica areas, and selected places.

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Most figures are from Nebraska reports: 1970 Population Census, Vol. I; 1970 Housing Census, Vol. I; 1969 Agriculture Census, Vol. I. Copies are in many libraries or may be purchased. Write to Publications Distribution Section, SESA, Washington, D.C. 20233 for order forms.


SIOUX CITY
SIOUX CITY
OMAHA
COUNCIL BLUFFS
LINCOLN
LINCOLN
LEGEND
Places of 100,000 or more inhabitants
Places of 50,000 to 100,000 inhabitants
Places of 25,000 to 50,000 inhabitants outside SMSA's
Standard Metropolitan Statistical Areas (SMSA's)
SCALE

F 2200

U.S. DEPARTMENT OF COMMERCE
Social and Economic Statistics Administration
BUREAU OF THE CENSUS

A Census Portrait of NEW MEXICO

CP73-32
Issued January 1974

STATISTICS FROM A FEDERAL CENSUS, LIKE AN ARTIST'S PENCIL, SKETCH A PORTRAIT OF THE PEOPLE OF EACH STATE AND THE NATION AS SEEN AT ONE POINT IN HISTORY.

JUL 2

1970 New Mexico Population At A Glance

Total	1,016,000	Males	500,824
Urban	708,775	Females	515,176
Urban fringe (Suburban)	53,700	Whites	915,815
		Blacks	19,555
Rural	307,225	American Indians	72,788
Farm	37,487	Spanish language	407,286

How Many? New Mexico's population in the 1970 census totaled 1,016,000, ranking it 37th among the States and the District of Columbia. Its population density was 8 persons per square mile. The 1970 population was 70 percent urban and 30 percent rural.

The 1970 total was 7 percent greater than the 1960 population. Growth during 1960-70 was entirely due to a natural increase of 195,000 (births minus deaths). New Mexico had a net loss of an estimated 130,000 persons during the decade because of people migrating out of the State.

Albuquerque, the State's largest city, had a 1970 population of 243,751, an increase of 21 percent over 1960. The 1970 population of the Albuquerque Standard Metropolitan Statistical Area was 315,774, a 20 percent gain over 1960.

Other large cities with their 1960-70 changes were:

Santa Fe	41,167	+23%	Clovis	28,495	+20%
Las Cruces	37,857	+29%	Hobbs	26,025	- 1%
Roswell	33,908	-14%			

Ethnic Groups. Major nationalities in New Mexico's first and second generations from other countries included 37,822 from Mexico (11,052 born there); 7,438 from Germany (1,771 born there); 6,000 from the United Kingdom (1,526 born there); 5,663 from Canada (1,410 born there). There were 407,286 persons of Spanish language.

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Racial Makeup. The white population of New Mexico numbered 915,815. Other racial groups included 72,788 American Indians; 19,555 blacks (15 percent more than in 1960); 940 Japanese; 563 Chinese; and 386 Filipinos.

Age of the Population. The median age of the New Mexico population was 23.9 years, compared with 28.1 for the U.S. Of New Mexico's 1970 population, 70,611 were 65 or older and 96,659 were under 5 years old. The total of school age, 5 to 17, was 309,557 and the college age group, 18 to 21, numbered 72,624. The remainder, 22 to 64, totaled 466,549.

Single, Married, Divorced. Among women age 14 and older, 84,233 had never married; 225,244 were married (5,480 of them separated); 33,905 widowed; and 16,419 divorced. Totals for men 14 and older were: 102,269 single; 220,882 married (3,027 of them separated); 8,310 widowed; 9,891 divorced. There were 241,819 families in the State, 209,215 of them husband-wife families.

Income. Half of New Mexico's families had above and half below an income of $7,845 in 1969, ranking the State 39th in median family income (1969 income was reported in the 1970 census). The U.S. median was $9,586. The New Mexico median for white families was $8,113 and for black families it was $5,204.

About 17 percent of the State's families (37,188 families) were below the low-income or poverty line in 1969. The 1969 poverty level was $3,743 for a nonfarm family of four.

Schooling. There were 332,738 New Mexicans 3 to 34 years old enrolled in school or college at the time of the census: 3,681 were in nursery school; 211,230 in kindergarten or elementary school; 83,683 in high school; and 34,144 in college.

Of the 489,623 persons 25 or older in New Mexico, 55 percent had completed at least 4 years of high school and 13 percent had completed at least 4 years of college. The median number of school years finished by the age group was 12.2 years, compared with the national median of 12.1 years.

Among New Mexicans in their working years (16 to 64) 27 percent of the men and 20 percent of the women with less than 15 years of school had had vocational training of some type.

Workers and Jobs. There were 234,249 men workers age 16 and older in 1970; 207,502 of them had civilian jobs and 15,424 were in the Armed Forces. Women workers totaled 123,988 of whom 115,335 had civilian jobs and 331 were in the Armed Forces.

There were 40,981 men working as craftsmen, foremen, and kindred workers (in skilled blue collar jobs); 38,945 professional, technical, or kindred workers; 25,447 nonfarm managers and administrators; and 20,767 nontransport operatives (chiefly operators of equipment in manufacturing industries).

A total of 39,369 women were employed in clerical and kindred jobs; 23,405 in nonhousehold service jobs; 22,327 were professional, technical, and kindred workers; and 8,618 were in sales work.

There were 29,728 Federal employees, 29,460 State employees, and 28,003 local government employees.

New Mexico's Housing. Housing units for year-round use numbered 321,898 in 1970, an 18 percent increase over 1960. They had a median of 4.7 rooms per unit, and 82 percent were single family homes. Twenty-nine percent of the units were built between 1960 and 1970.

A total of 289,389 units were occupied with an average of 3.4 persons per unit. Sixty-six percent were occupied by the owners. Median value of owner-occupied homes was $13,100 and renters paid a median of $88 per month.

The presence of piped water, toilet, and bath for exclusive use of the household is an indication of housing quality. In 1970, about 11 percent of all year-round housing in New Mexico lacked complete plumbing facilities, compared with 7 percent for the U.S.

Ninety-one percent of the households in New Mexico had television; 71 percent clothes washing machines; 36 percent clothes dryers; 20 percent dishwashers; 34 percent home food freezers; 39 percent two or more cars; and 6 percent owned a second home.

Farming in New Mexico. New Mexico's farms and ranches, like those of the country as a whole, are becoming fewer and larger. The 1969 Census of Agriculture counted 11,641 farms and ranches in the State, 18 percent fewer than in 1964. Their average size rose from 3,354 acres to 4,020 acres in the 5-year period. The 1969 average value of farms and ranches was $168,336; average value per acre was $41.87.

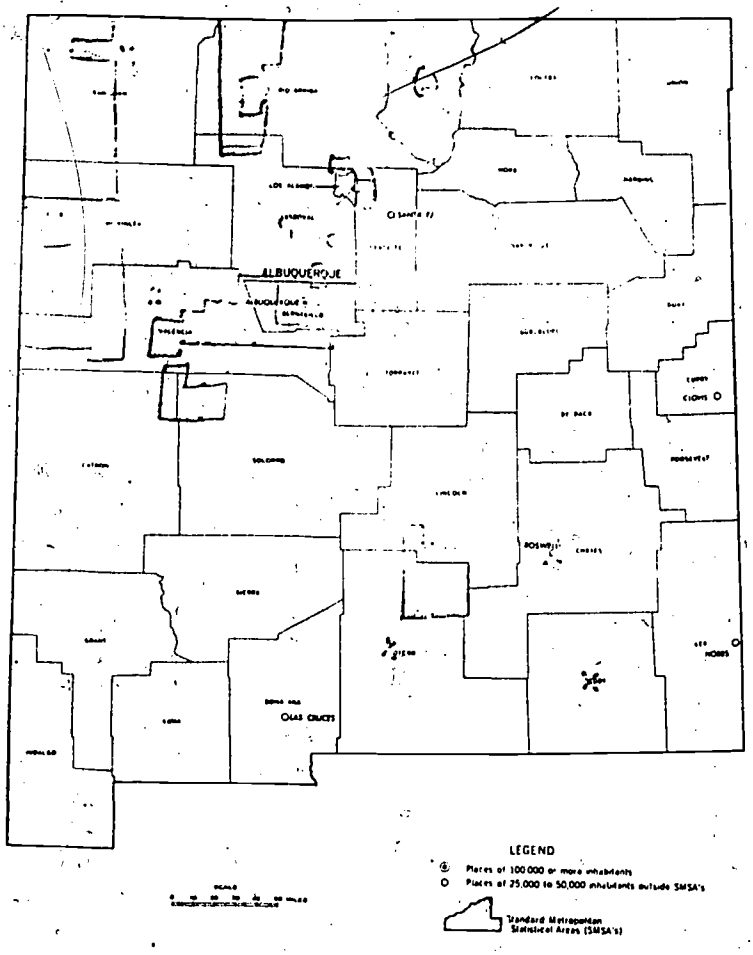
The 1970 farm and ranch population totaled 37,487, a 36 percent drop from 1960.

The market value of all agricultural products sold by New Mexico farms and ranches was $358.8 million in 1969. Livestock, poultry, and their products accounted for $280.4 million; crops, $77.2 million; and forest products, $1.2 million.

A map of New Mexico on the back page shows the counties, standard metropolitan statistical areas, and selected places.

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Most figures are from New Mexico reports: 1970 Population Census, Vol. I; 1970 Housing Census, Vol. I; 1969 Agriculture Census, Vol. 1. Copies are in many libraries or may be purchased. Write to Publications Distribution Section, SESA, Washington, D.C. 20233 for order forms.


ALBUQUERQUE
LEGEND
Places of 100,000 or more inhabitants
Places of 25,000 to 50,000 inhabitants outside SMSA's
Standard Metropolitan Statistical Areas (SMSA's)

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U.S. DEPARTMENT OF COMMERCE
Social and Economic Statistics Administration
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A Census Portrait of

NORTH DAKOTA

CP73-35
Issued January 1974

STATISTICS FROM A FEDERAL CENSUS, LIKE AN ARTIST'S PENCIL SKETCH, A PORTRAIT OF THE PEOPLE OF EACH STATE AND THE NATION AS SEEN AT ONE POINT IN HISTORY

SEP 1974

1970 North Dakota Population At A Glance

Total	617,761	Males	311,609
Urban	273,442	Females	306,152
Urban fringe (Suburban)	55	Whites	599,485
		Blacks	2,494
Rural	344,319	Spanish language	2,007
Farm	152,261		

How Many? North Dakota's population in the 1970 census totaled 617,761, ranking it 46th among the States and District of Columbia. Its population density was 9 persons per square mile. The 1970 population was 44 percent urban and 56 percent rural.

The 1970 total was 2 percent fewer than the 1960 population. Even though the State showed a net gain of 80,000 as a result of natural increase (births minus deaths), it lost more than 94,000 persons as a result of people moving out of the State.

Fargo, the State's largest city, had a 1970 population of 53,365; an increase of 14 percent over 1960. The 1970 population of the Fargo-Moorhead, N. Dak-Minn. Standard Metropolitan Statistical Area was 120,238, a 13 percent gain over 1960.

Other major cities with their 1960-70 population changes are:

Grand Forks	39,008	+13%	Jamestown	15,385	+ 2%
Bismarck	34,703	+25%	Dickinson	12,005	+24%
Minot	32,290	+ 6%	Williston	11,280	- 5%

Ethnic Groups. Major nationalities in North Dakota's first and second generations from other countries included 38,722 from Norway (3,835 born there); 33,177 from the U.S.S.R. (4,358 born there); 21,004 from Germany (1,890 born there); and 15,630 from Canada (2,754 born there).

Racial Makeup. The white population totaled 599,485 in 1970. Other racial groups included 14,369 American Indians; 2,494 blacks (221 percent more than in 1960); 239 Japanese; 165 Chinese; and 204 Filipinos.

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Age of the Population. The median age of the North Dakota population was 26.4 years, compared with 28.1 years for the U.S. Of North Dakota's 1970 population, 66,368 were 65 or older and 51,338 were under five years old. The total of school age, 5 to 17, was 175,012 and the college age group, 18 to 21, numbered 46,291. The remainder, 22 to 64, totaled 278,752.

Single, Married, Divorced. Among women age 14 and older, 54,436 had never married; 137,892 were married (1,313 of them separated), 25,934 widowed, and 3,862 divorced. Totals for men 14 and older were: 76,999 single, 137,202 married (997 of them separated), 6,127 widowed, and 3,598 divorced. There were 147,058 families in the State, 132,373 of them husband-wife families.

Income. Half of North Dakota's families had above and half below an income of $7,836 in 1969, ranking the State 40th in median family income (1969 income was reported in the 1970 census). The U.S. median was $9,586. The median for white families in North Dakota was $7,893; for black families it was $6,304. About 12 percent of the State's families (18,383 families) were below the low-income or poverty line in 1969. The 1969 poverty level was $3,743 for a nonfarm family of four.

Schooling. There were 192,858 residents of North Dakota 3 to 34 years old enrolled in school or college at the time of the census: 1,025 were in nursery school; 114,863 in kindergarten or elementary school; 51,077 in high school; and 25,893 in college.

Of the 318,339 persons 25 or older in North Dakota, 50 percent had completed at least 4 years of high school and 8 percent at least 4 years of college. The median number of school years finished by this age group was 12.0 years, compared with the national median of 12.1 years.

Among North Dakotans in their working years (16 to 64), 24 percent of the men and 16 percent of the women with less than 15 years of schooling had had vocational training of some type.

Workers and Jobs. There were 151,636 men workers age 16 or older in 1970; 134,438 of them had civilian jobs and 10,724 were in the Armed Forces. Women workers totaled 73,586 of whom 70,147 had civilian jobs and 154 were in the Armed Forces.

There were 34,221 men working as farmers and farm managers; 19,929 craftsmen, foremen, and kindred workers (skilled blue collar jobs); 16,906 as nonfarm managers and administrators; and 14,257 had professional, technical or kindred jobs.

A total of 20,117 women were employed in clerical and kindred jobs; 19,432 in nonhousehold service work; 12,898 in professional, technical, and kindred jobs; and 5,419 in sales work.

There were 9,232 Federal employees, 11,979 State employees, and 16,992 local government employees.

North Dakota's Housing. Housing units for year-round use numbered 200,334 in 1970, a 7 percent increase over 1960. They had a median of 5.0 rooms per unit and 74 percent were single family homes. Twenty-one percent of the units were built between 1960 and 1970.

A total of 181,613 units were occupied with an average of 3.3 persons per unit. Sixty-eight percent were occupied by the owners. Median value of owner-occupied units was $13,000 and renters paid a median of $97 per month.

The presence of piped water, toilet, and bath for exclusive use of the household is an indication of housing quality. In 1970, 14 percent of all year-round housing in North Dakota lacked complete plumbing facilities, compared with 7 percent for the U.S.

Ninety-six percent of the households had television; 80 percent clothes washing machines; 59 percent clothes dryers; 13 percent dishwashers; 59 percent home food freezers; 31 percent two or more automobiles; and 6 percent owned a second home.

Farming in North Dakota. North Dakota's farms, like those of the country as a whole, are becoming fewer and larger. The 1969 Census of Agriculture counted 46,381 farms in the State, 5 percent fewer than in 1964. The average size of farms rose from 875 acres to 930 acres in the 5 years. The 1969 average value per farm was $87,222; the average value per acre, $94.

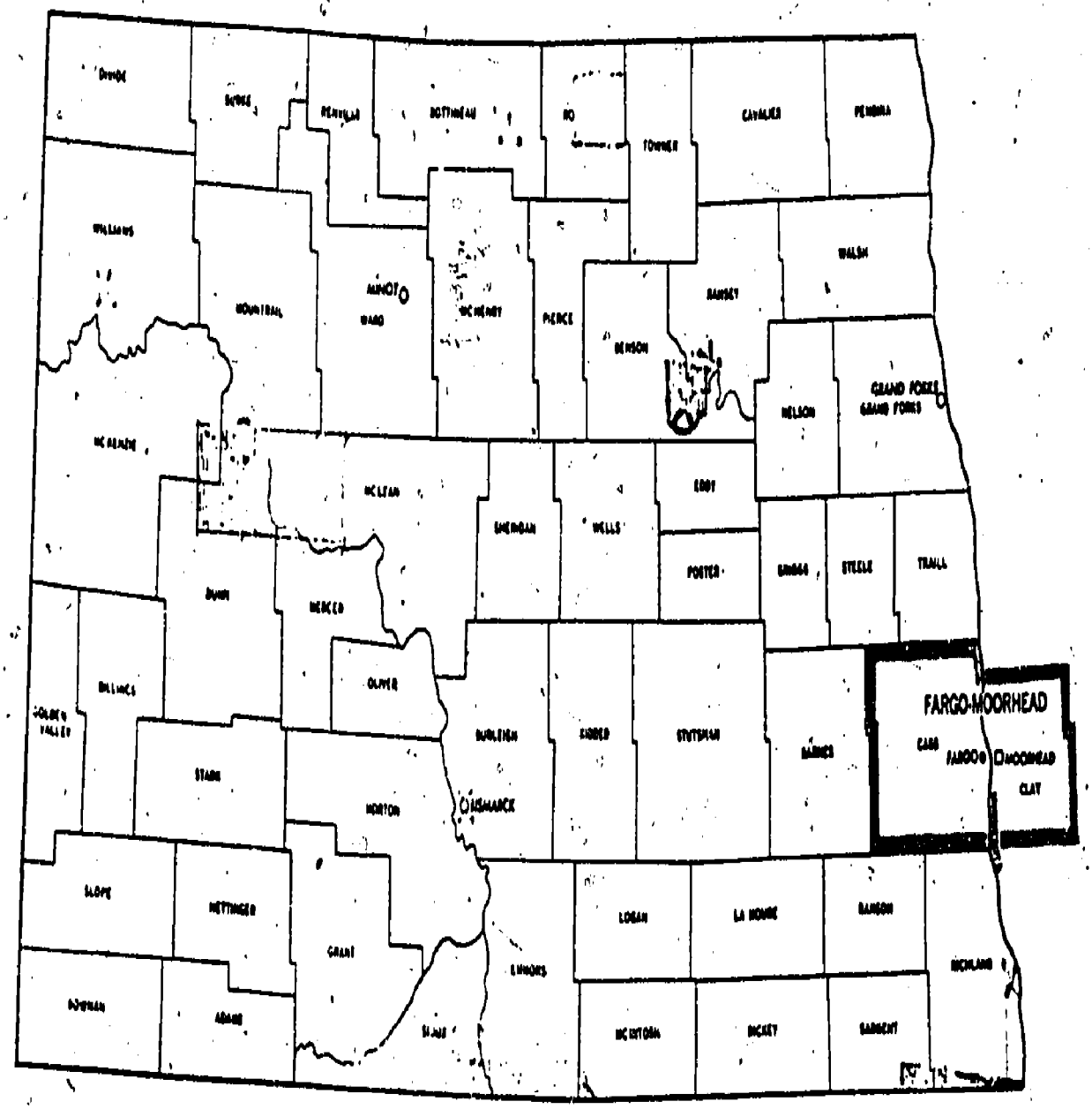
The 1970 farm population totaled 152,261, a 26 percent decrease from 1960.

The market value of all agricultural products sold by North Dakota farms was $749 million. Livestock, poultry, and their products accounted for $268.3 million; crops, $480.5 million; and forest products, $38,115.

A map of North Dakota on the back page shows the counties, standard metropolitan statistical areas, and selected places.

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Most figures are from North Dakota reports: 1970 Population Census, Vol. I; 1970 Housing Census, Vol. I; 1969 Agriculture Census, Vol. I. Copies are in many libraries or may be purchased. Write to Publications Distribution Section, SESA, Washington, D.C. 20233 for order forms.


FARGO-MOORHEAD
CASS
FARGO
MOORHEAD
CLAY
BISMARCK
GRAND FORKS
GRAND FORKS
LEGEND
Places of 50,000 to 100,000 inhabitants
Central cities of SMSA's with fewer than 50,000 inhabitants
Places of 25,000 to 50,000 inhabitants outside SMSA's
Standard Metropolitan Statistical Areas (SMSA's)
SCALE

T2200

U.S. DEPARTMENT OF COMMERCE
Social and Economic Statistics Administration
BUREAU OF THE CENSUS

A Census Portrait of SOUTH DAKOTA

CP73-42
Issued January 1974

STATISTICS FROM A FEDERAL CENSUS, LIKE AN ARTIST'S PENCIL, SKETCH A PORTRAIT OF THE PEOPLE OF EACH STATE AND THE NATION AS SEEN AT ONE POINT IN HISTORY.

1970 South Dakota Population At A Glance

Total	665,507	Males	330,033
Urban	296,628	Females	335,474
Urban fringe (Suburban)	3,518	Whites	630,333
		Blacks	1,627
Rural	368,879	Spanish language	2,964
Farm	162,730		

How Many? South Dakota's population in the 1970 census totaled 665,507, ranking it 45th among the States and the District of Columbia. Its population density was 9 persons per square mile. The 1970 population was 45 percent urban and 55 percent rural.

The 1970 total was 2 percent fewer than the 1960 population. Although there was a natural increase of 80,000 persons (births minus deaths), South Dakota lost an estimated 95,000 persons due to net outmigration.

Sioux Falls, the State's largest city, had a 1970 population of 72,488, an increase of 11 percent over 1960. The 1970 population of the Sioux Falls Standard Metropolitan Area was 95,209, a 10 percent gain over 1960.

Other major cities with their 1960-70 percentage changes are:

Rapid City	43,836	+ 3%	Brookings	13,717	+30%
Aberdeen	26,476	+15%	Mitchell	13,425	+ 7%
Huron	14,299	+ 1%	Watertown	13,388	- 5%

Ethnic Groups. Major nationalities in South Dakota's first and second generations from other countries included 26,792 from Germany (1,767 born there); 18,898 from Norway (1,486 born there), and 14,041 from the U.S.S.R. (1,440 born there). There were 2,954 persons of Spanish language.

Racial Makeup. The white population totaled 630,333 in 1970. Other racial groups included 32,365 American Indians, 1,627 blacks (66 percent more than in 1960), 221 Japanese, 163 Chinese, and 83 Filipinos.

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Age of the Population. The median age of the South Dakota population was 27.4 years compared with 28.1 years for the U.S. Of South Dakota's 1970 population, 80,484 were 65 or older and 54,258 were under 5 years old. The total of school age, 5 to 17, was 186,662 and the college age group, 18 to 21, numbered 48,835. The remainder, 22 to 64, totaled 295,268.

Singel, Married, Divorced. Among women age 14 and older, 58,602 had never married; 150,687 were married (1,941 of them separated); 31,227 widowed, and 5,478 divorced. Totals for men 14 and older were: 76,178 single; 149,369 married (1,300 of them separated); 7,242 widowed; and 4,489 divorced. There were 160,364 families in the State, 144,036 of them husband-wife families.

Income. Half of South Dakota's families had above and half below an income of $7,490 in 1969, ranking the State 45th in median family income (1969 income was reported in the 1970 census). The U.S. median was $9,586. The South Dakota median for white families was $7,619; for black families it was $5,72.

Nearly 15 percent of the State's families (23,943 families) were below the low-income or poverty line in 1969. The 1969 poverty level was $3,743 for a nonfarm family of four.

Schooling. There were 210,068 South Dakota residents 3 to 34 years old enrolled in school or college at the time of the census: 1,.67 were in nursery school; 127,058 in kindergarten or elementary school; 56,014 in high school, and 25,329 in college.

Of the 349,497 persons 25 and older in South Dakota, 53 percent had completed at least 4 years of high school and 9 percent at least 4 years of college. The median number of school years finished by this age group was 12.1 years, the same as the national median.

Among the State's residents in their working years (16 to 64), 20 percent of men and 17 percent of women with less than 15 years of schooling had had vocational training of some type.

Workers and Jobs. There were 165,912 men workers age 16 or older in 1970; 155,649 of them had civilian jobs and 4,851 were in the Armed Forces. Women workers totaled 88,333 of whom 84,448 had civilian jobs and 34 were in the Armed Forces.

There were 39,524 men working as farmers and farm managers; 21,889 as craftsmen, foremen, and kindred workers (in skilled blue collar jobs); 18,095 as nonfarm managers and administrators; and 15,529 in professional, technical and kindred work.

A total of 23,983 women were employed in clerical and kindred jobs; 21,982 were in nonhousehold service work; 15,032 had professional, technical or kindred jobs; and 6,234 were in s..es work.

There were 11,338 Federal employees, 12,424 State employees, and 20,798 local government employees.

South Dakota's Housing. Housing units for year-round use numbered 221,720 in 1970, a 6 percent increase over 1960. They had a median of 5.1 rooms per unit and 80 percent were single family homes. Seventeen percent were built between 1960 and 1970.

A total of 200,807 units were occupied with an average of 3.2 persons per unit. Seventy percent were occupied by the owners. Median value of owner-occupied homes was $11,400 and renters paid a median of $88 per month.

The presence of piped water, toilet, and bath for exclusive use of the households is an indication of housing quality. In 1970, 14 percent of all year-round housing in South Dakota lacked complete plumbing facilities compared with 7 percent for the U.S.

Ninety-five percent of the households had television; 78 percent clothes washing machines; 53 percent clothes dryers; 11 percent dishwashers; 51 percent home food freezers; 33 percent two or more automobiles; and 5 percent owned a second home.

Farming in South Dakota. South Dakota's farms, like those of the country as a whole, are becoming fewer and larger. The 1969 Census of Agriculture counted 45,726 farms in the State, 8 percent fewer than in 1964. The average size of farms increased from 917 acres to 997 acres in the 5 years. The 1969 average value per farm was $83,427; average value per acre, $84.

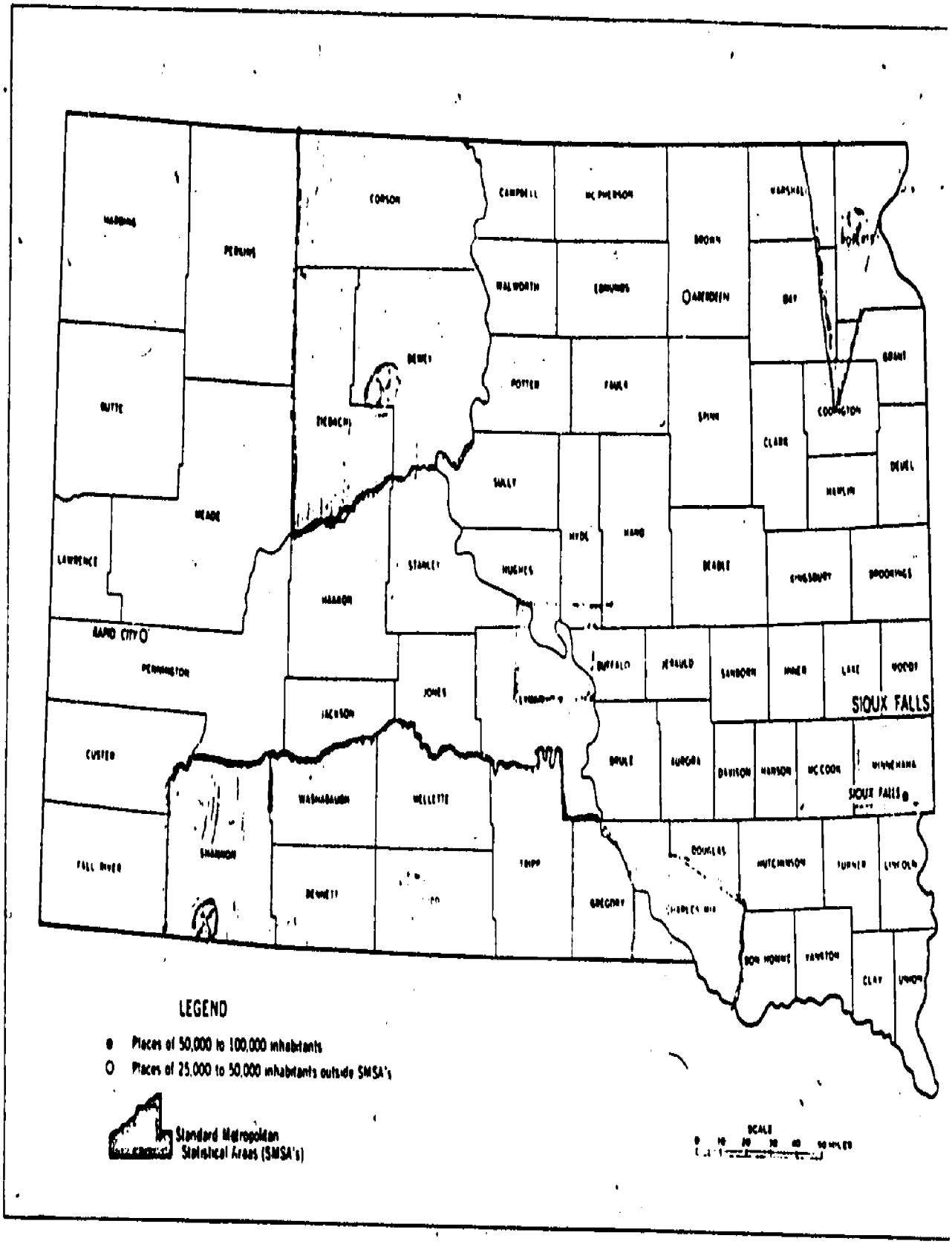
The 1970 farm population totaled 162,730, a 21 percent drop from 1960.

The market value of all agricultural products sold by South Dakota farms was $958 million. Livestock, poultry and their products accounted for $745.3 million; crops, $212.6 million; and forest products $41,518.

A map of South Dakota on the back page shows the counties, standard metropolitan statistical areas, and selected places.

* * * * * *

Most figures are from South Dakota reports: 1970 Population Census, Vol. I; 1970 Housing Census, Vol. I; 1969 Agriculture Census, Vol. I. Copies are in many libraries or may be purchased. Write to Publications Distribution Section, SESA, Washington, D.C. 20233 for order forms.

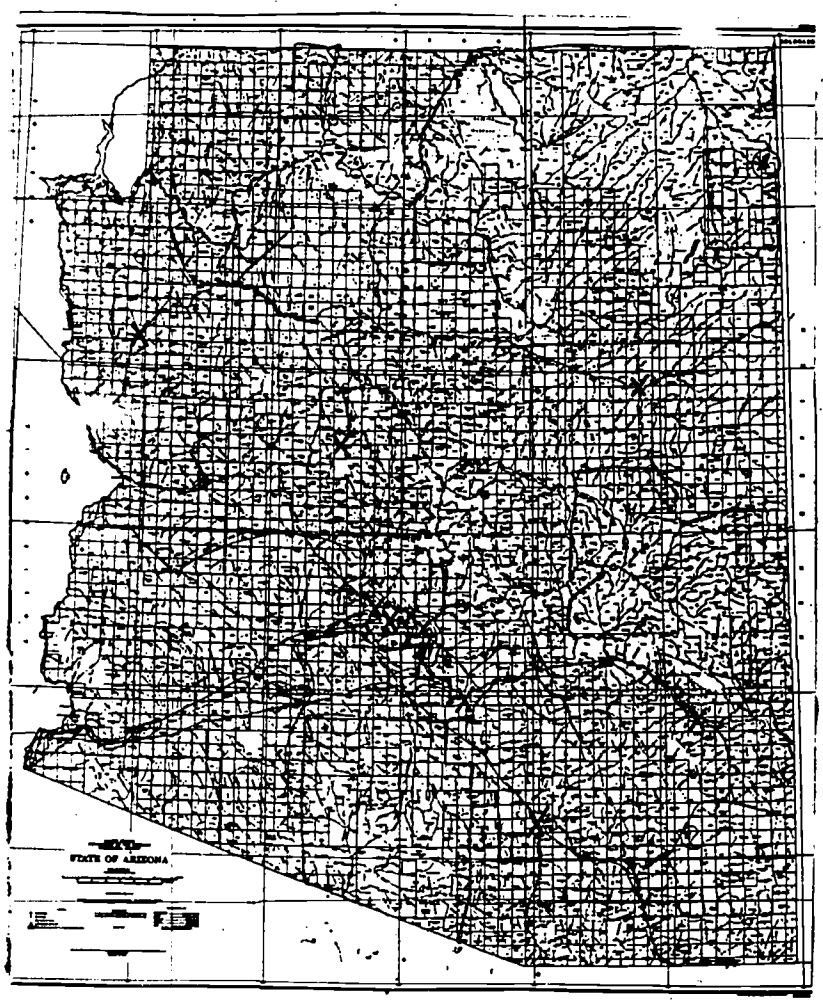

SIOUX FALLS
RAPID CITY
LEGEND
Places of 50,000 to 100,000 inhabitants
Places of 25,000 to 50,000 inhabitants outside SMSA's
Standard Metropolitan Statistical Areas (SMSA's)
SCALE

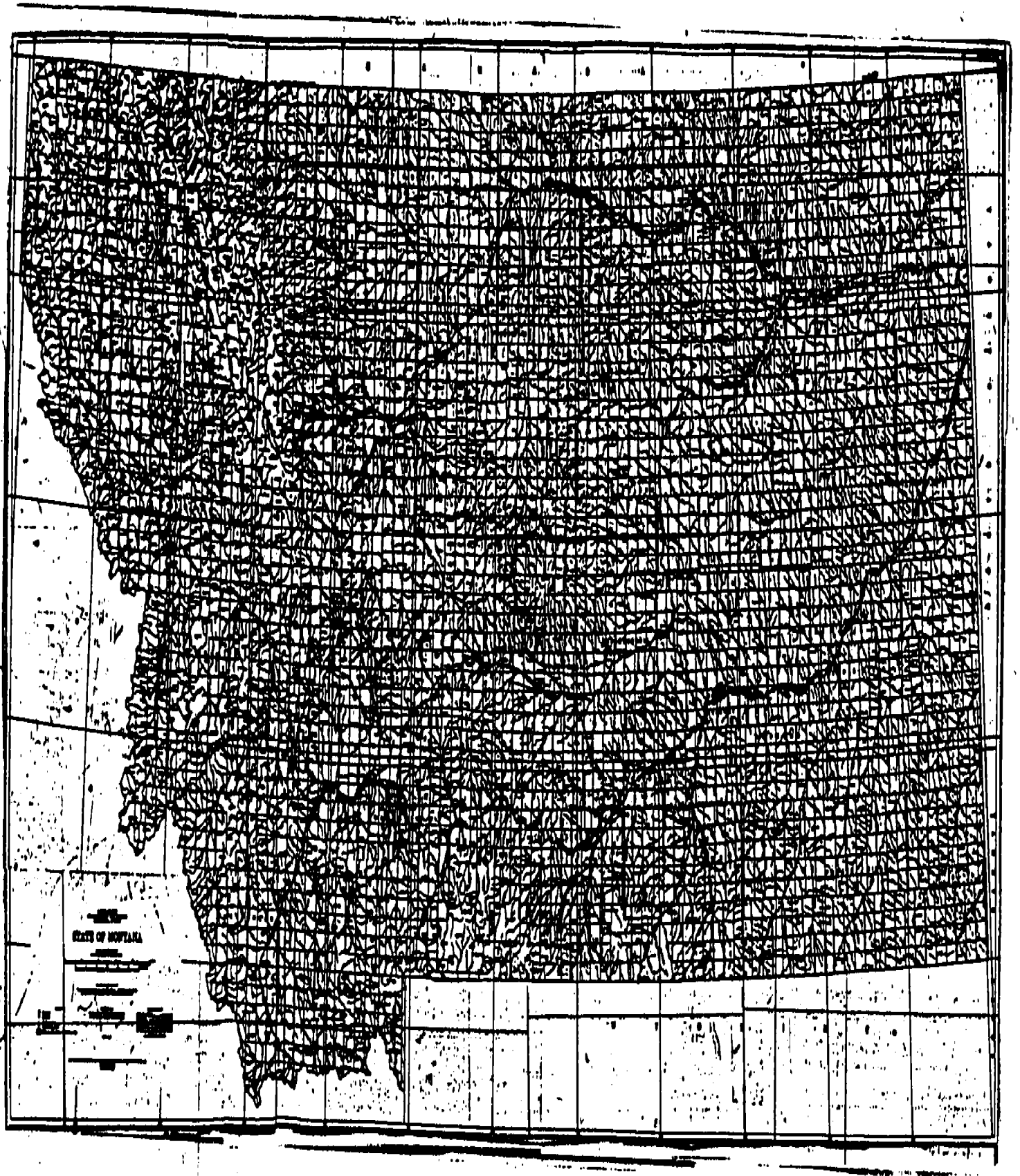
Mr. BUCHANAN. Mr. Chairman, before you adjourn, I would like to associate myself with the remarks of the gentleman from Minnesota, Mr. Quie. I think the precedent has to be established here.

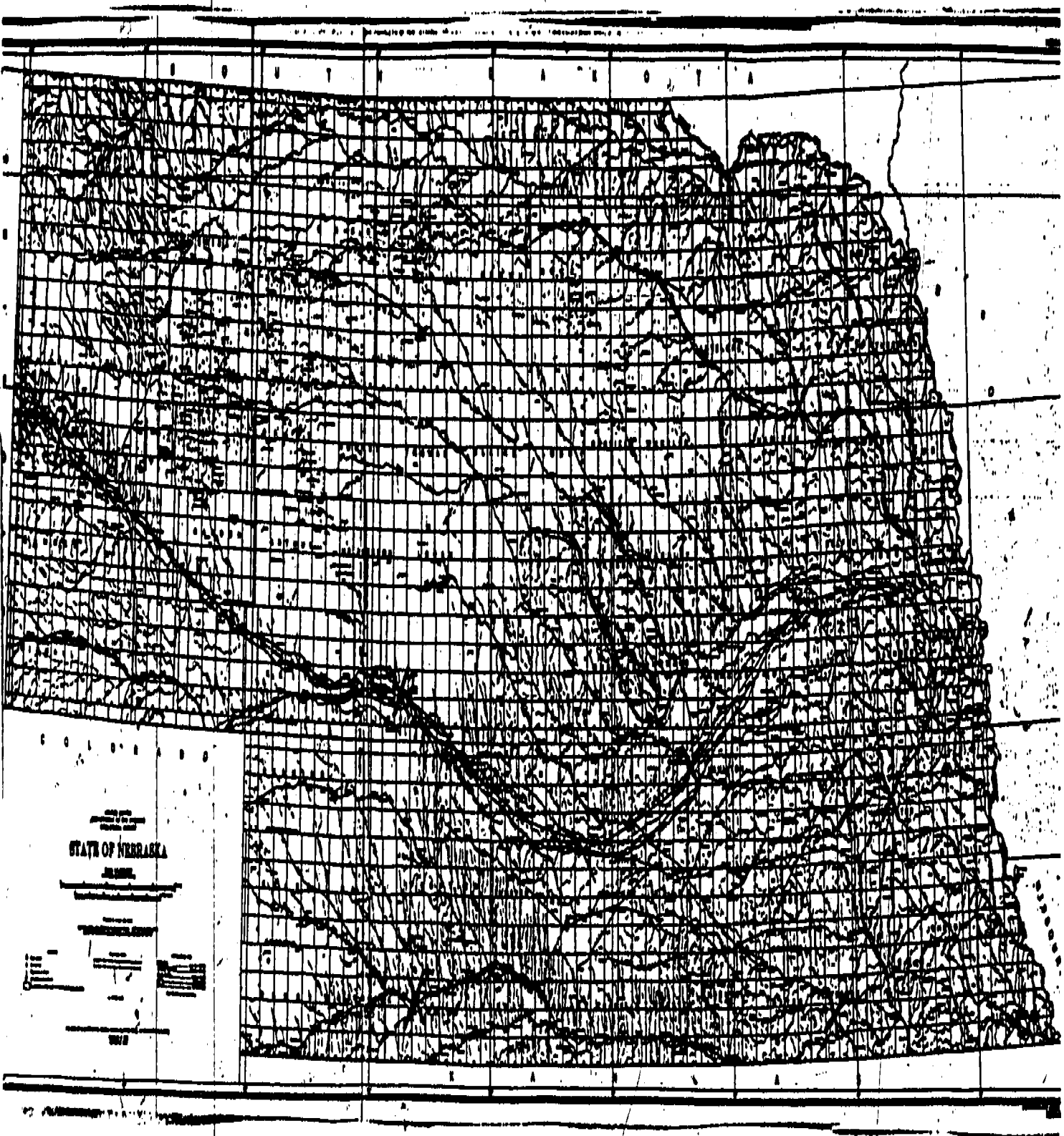
Mr. FORD. Thank you very much.

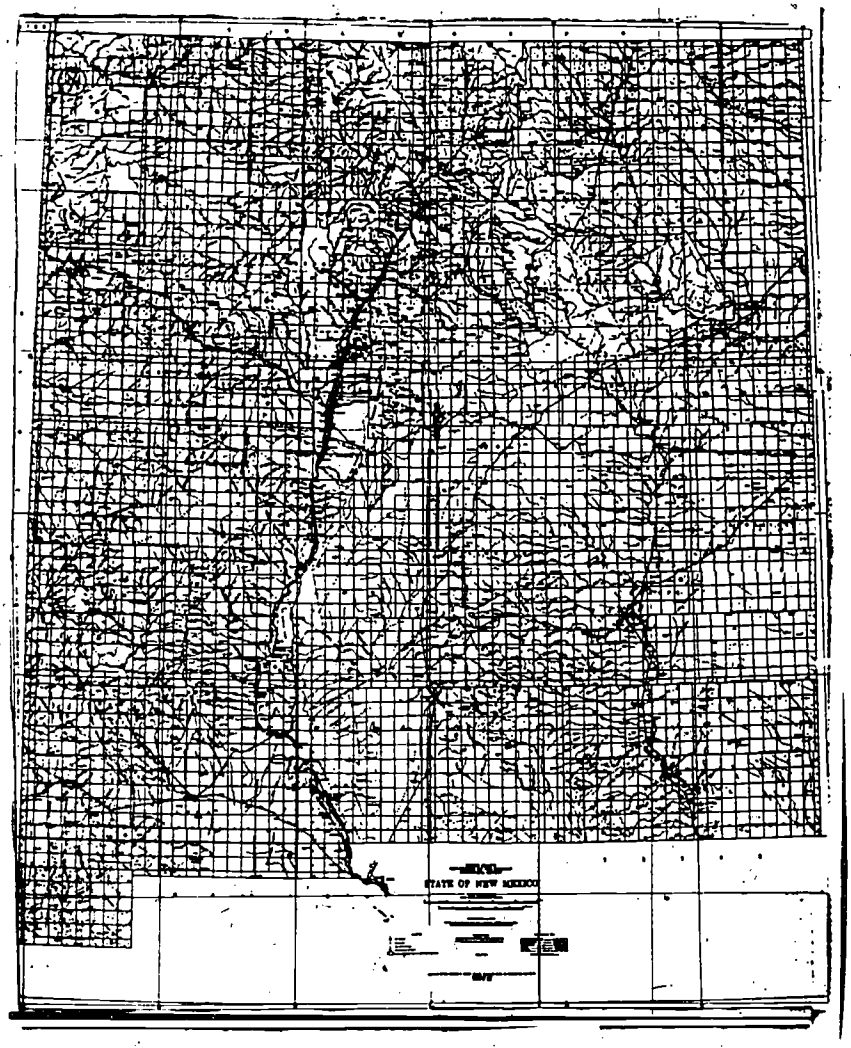
The staff has prepared maps on a State-by-State basis showing the existing community colleges in States having substantial Indian population. If there is no objection, we will hold the record open for them to present that. I assume Mr. Blouin has this prepared, to submit the maps for the record.

[The information referred to follows:]



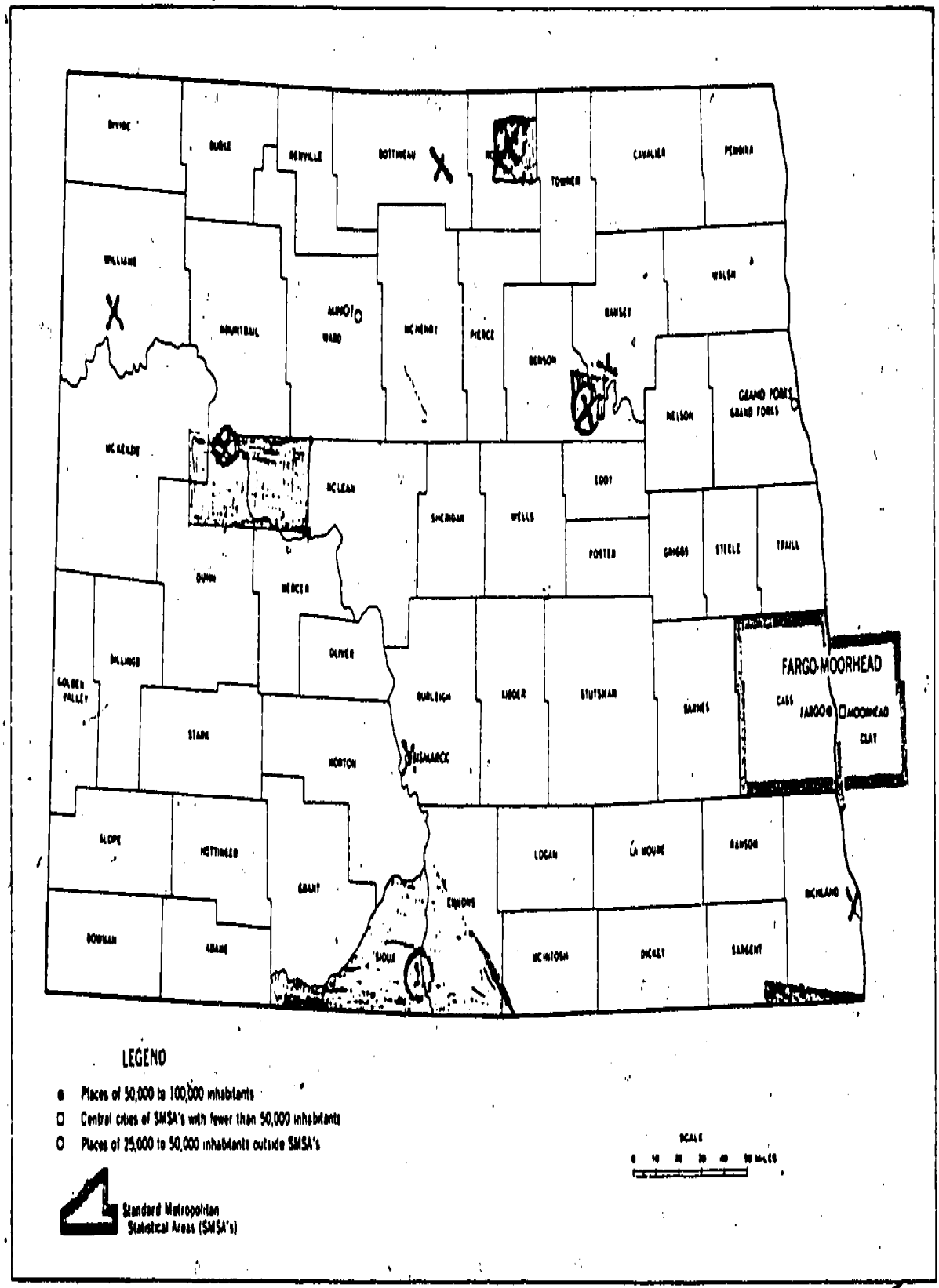

STATE OF MONTANA

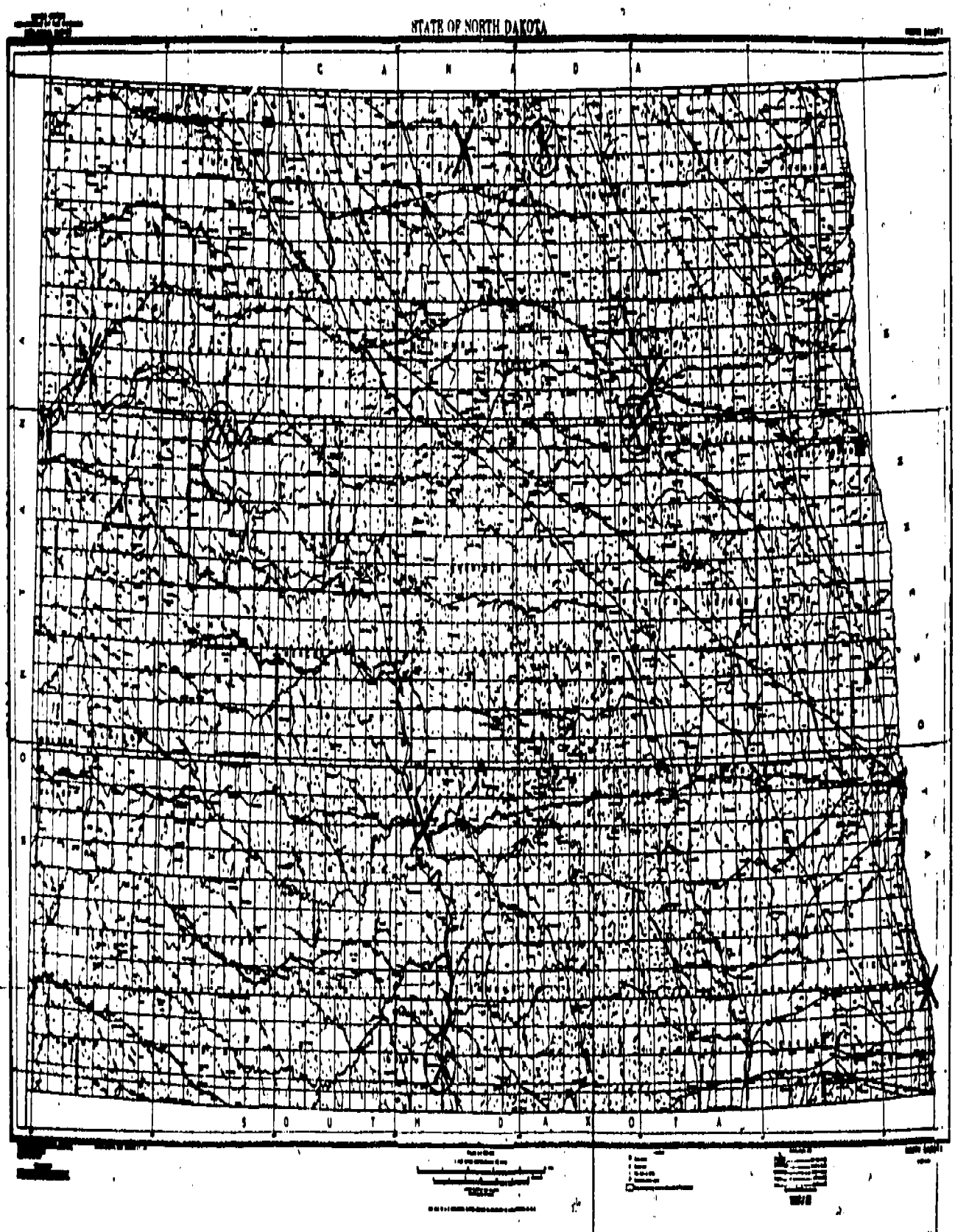

STATE OF NEBRASKA

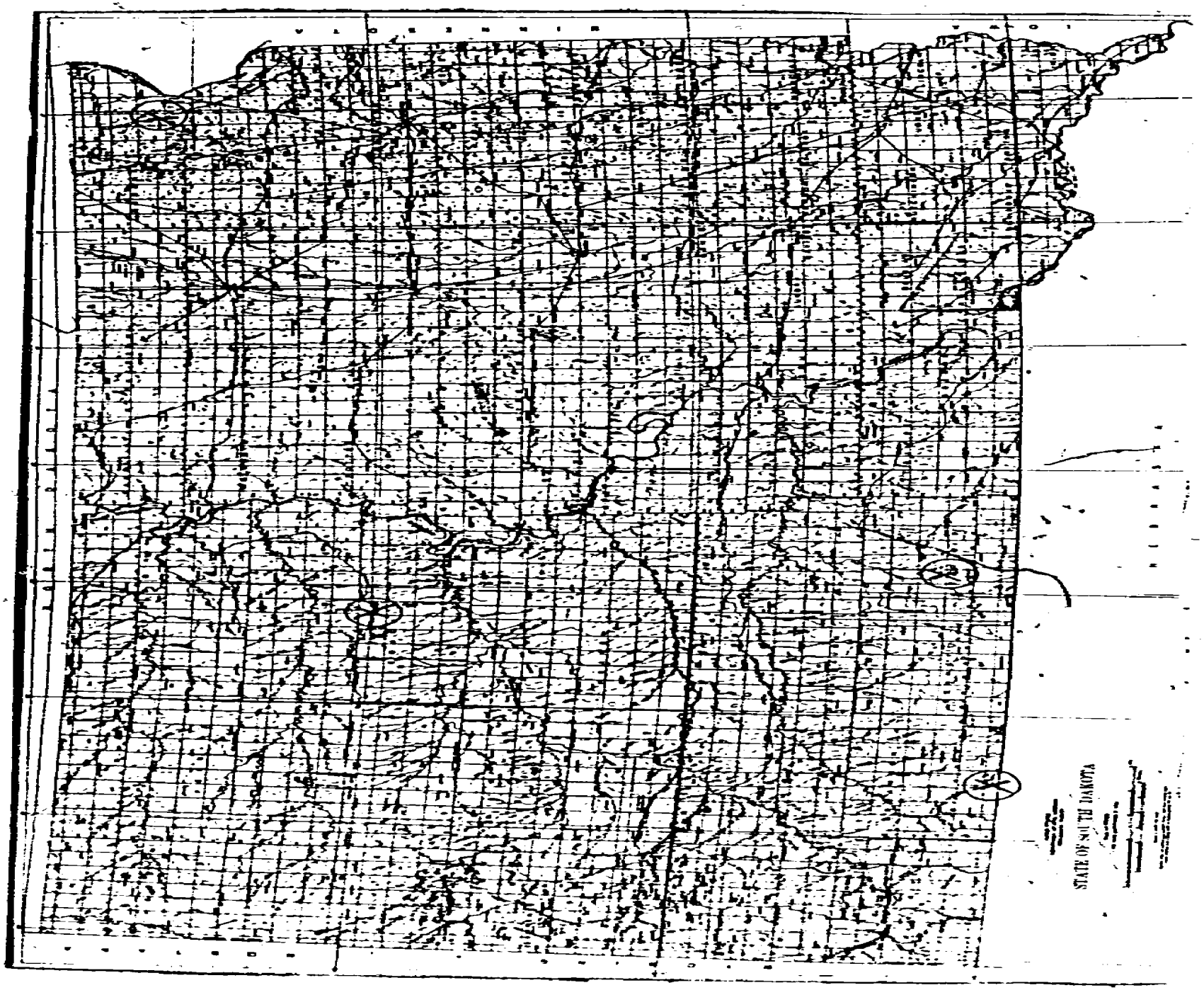


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127


FARGO-MOORHEAD
CASS
FARGO
MOORHEAD
CLAY
BISMARCK
GRAND FORKS
GRAND FORKS
LEGEND
Places of 50,000 to 100,000 inhabitants
Central cities of SMSA's with fewer than 50,000 inhabitants
Places of 25,000 to 50,000 inhabitants outside SMSA's
Standard Metropolitan Statistical Areas (SMSA's)
SCALE


STATE OF NORTH DAKOTA
C A N A D A
S O U T H D A K O T A



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Mr. FORD. The committee will stand in recess.
[Whereupon, at 11:55 a.m. the subcommittee adjourned.]

TRIBALLY CONTROLLED COMMUNITY COLLEGE ACT

WEDNESDAY, JUNE 14, 1978

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON POSTSECONDARY EDUCATION,
COMMITTEE ON EDUCATION AND LABOR,
Washington, D.C.

The committee met, pursuant to call, at 10:15 a.m., in room 2175, Rayburn House Office Building, Hon. Michael Blouin presiding.

Members present: Representatives Blouin, Weiss, Kildee, Buchanan, and Pressler.

Staff present: John Forkenbrock, Jeff McFarland, Scherri Tucker, majority staff and Jennifer Vance, minority legislative associate.

Mr. BLOUIN. The purpose of this morning's hearing is to hear the views of the Department of the Interior and the Department of Health, Education, and Welfare on the bill H.R. 9158, Tribally Controlled Community College Act.

The bill has been reported out of the Subcommittee on Post-Secondary Education to the full committee, under whose auspices the hearing is being held. The bill is the product of intensive work conducted by the Advisory Study Group on Indian Education, which was formed by this committee in February of last year.

Today's hearing was requested last week specifically to have both the Departments of Interior and HEW respond to their letters submitted, for the record, at the markup last week, opposing the enactment of this legislation.

It is the committee's hope, this morning, that the reasons for that opposition can be explained, so that the committee might have a better understanding as to the basis of that opposition. Witnesses appearing here this morning include Dr. William Demmert, Director of Indian Education Programs, Bureau of Indian Affairs; and Dr. Leonard Spearman, Director of Postsecondary Education; and Paul Carnell, title III Director of the Higher and Continuing Education.

I think that we will start with Mr. Demmert. Then go to HEW, after which we will have some questions. If both departments would come to the table.

I might add as a personal note at this point that Bill Demmert, as I understand it, will be leaving the Bureau within a week, or very soon I understand, and he will be going to the State of Washington to do some teaching.

We would like to wish you the best of luck, and hope to see you back here in the near future.

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Mr. DEMMERT. Thank you.

Mr. BLOUIN. Why don't you start with your long statement, or summarize it, if you wish.

[Statement of Mr. Demmert follows:]

STATEMENT OF WILLIAM G. DEMMERT, DIRECTOR, OFFICE OF INDIAN EDUCATION PROGRAMS, BUREAU OF INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR

Mr. Chairman and members of the committee: I appreciate the opportunity to appear before you today to present the views of this Department on H.R. 9158, a bill "To provide for grants to tribally controlled community colleges and for other purposes".

We recommend against enactment of H.R. 9158.

In my testimony before the Senate Select Committee on Indian Affairs, this Department recommended a deferral of consideration of two similar Indian education bills, pending completion of reviews to determine the most effective means for assisting these Indian controlled community colleges. Since that time, the Bureau of Indian Affairs had developed a concept paper regarding the role and responsibilities of the BIA in all post secondary education programs. I am also submitting a copy of this paper for the record.

We have concluded that the Bureau of Indian Affairs currently has sufficient authority to provide financial and technical assistance to all tribally controlled community colleges. In addition, those community colleges receive some support through the BIA scholarship program, and there is no need for new legislation granting separate authority at this time.

This concludes my statement, Mr. Chairman. I will be happy to respond to any questions you may have.

STATEMENT OF WILLIAM DEMMERT, DIRECTOR, OFFICE OF INDIAN EDUCATION PROGRAMS, BUREAU OF INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR

Mr. DEMMERT. If I summarize it, it will be very, very brief.

In effect, Interior's position is that it is against the enactment of H.R. 9158 primarily because it is believed we have sufficient authority in the Snyder Act at this time to move or to fund programs of this type.

That is the statement, primarily.

Mr. BLOUIN. Mr. Spearman, does the Department of Health, Education, and Welfare have a statement they wish to make?

[Letter from Secretary Califano follows:]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
Washington, D.C., June 5, 1978.

Hon. JAMES T. MCINTYRE, Jr.,
Director, Office of Management and Budget,
Washington, D.C.

DEAR MR. MCINTYRE: This is in response to your request for a report on the Department of Interior's report on H.R. 9158, a bill "To provide for grants to tribally controlled community colleges, and for other purposes."

The Department of Interior's report would favor enactment of the bill because of the "need for a stable funding source for Indian controlled community colleges". Rather than supporting the bill at this time, we believe the Administration should include the issues raised by this legislation in its reauthorization review of all Federal higher education programs.

We agree with the Interior Department's observation that the high college drop-out rate among Indian students is symptomatic of serious problems at all levels of the educational system serving Indians. We do not now know, however, whether legislation such as H.R. 9158 would be the most effective or efficient use of Federal funds to meet the special needs of Indian students.

A number of factors, must be considered in our analysis of this bill:

(1) For the most part, the Federal government's support for higher education has been, and will undoubtedly continue to be, student assistance rather than institutional support.

(2) For the foreseeable future, there will be an excess capacity in the facilities available at existing higher educational institutions. The creation of new facilities or expansion of existing ones will only increase this oversupply.

(3) We do not know whether the institutions that would be supported by this legislation will offer the type of educational services most needed by Indian students.

On the other hand, we do know that some reassessment is needed of our approach to meeting the higher education needs of Indians. Existing programs have not adequately met that need in a manner that encourages Indian students to achieve their full educational potential. In light of the special trust relationship between the Federal government and Indian tribes, it seems clear that we should attempt to fashion programs that will provide educational opportunities to Indian students of at least the same quality as are available to other students.

For that reason, we will be looking at this issue in detail during the higher education reauthorization process. The questions we will be asking include the following:

(1) What is the current availability of higher education facilities reasonably accessible, both in terms of cost and proximity, for Indian students?

(2) What would be the most effective means of preparing and motivating Indian students for college level study?

(3) What are the higher education needs of the Indian community?

(4) What alternatives to traditional institutional education, including the use of new technology, are available to meet those needs?

(5) What level and type of support services (such as those provided under the existing special programs for student from disadvantaged backgrounds) are needed by Indian students?

(6) How well is the Developing Institutions program serving the needs of predominantly Indian institutions?

After we have answered these and other questions, we will be better able to judge the merits of legislation such as H.R. 9158. In the meantime we recommend that the Administration not support the bill at this time.

Sincerely,

JOSEPH A. CALIFANO, Jr.

STATEMENT OF LEONARD O. SPEARMAN, ASSOCIATE DEPUTY COMMISSIONER, BUREAU OF HIGHER AND CONTINUING EDUCATION, OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Mr. SPEARMAN. Mr. Blouin, the Department of HEW's statement is probably only 10 seconds longer than the statement presented by Mr. Demmert.

In essence, we have provided in the bill report on H.R. 9158 to the chairman our objections to the bill. For the most part, as you are aware, the Federal Government and HEW have enjoined with the Congress in supporting and recommending a continued increase in student assistance as opposed to categorical institutional aid. The HEW position continues to be one in which we would strongly urge the expansion of the student assistance program as the most viable means for access for all groups, and we continue to reflect that position.

Second, the Department believes that existing facilities of colleges has reached its peak, and to some extent has become saturated and recommends no new construction for new facilities.

In essence, that is the position of the Office of Education, and the department with respect to the support. We further recommend that since we have a large number of categorical programs already existing, that it is possible, since much of the legislative authority for our programs expires in 1979, to consider some of the issues that are raised in this bill with respect to the reauthorization authority.

Mr. BLOUIN. Thank you.

I would like to go to questions, if I might. Mr. Demmert, why don't we start with BIA. I am not exactly sure where the best place to begin is, but if there is a common element which underlies the BIA's position in this legislation, and it appears that position has been rather fluid, from different indications we have received, it has been on both sides at different times.

It has been the claim that they have had the authority under existing law to fund tribally controlled community colleges. Is that a correct assumption?

Mr. DEMMERT. That is correct.

Mr. BLOUIN. Would you tell this committee where that authority resides?

Mr. DEMMERT. In the Snyder Act of November 21, 1921.

Mr. BLOUIN. Let me read the provision from the Snyder Act which authorizes BIA to dispense funds for education. It says:

That the Bureau of Indian Affairs, under the supervision of the Secretary of Interior, shall direct, supervise and expend such monies as Congress may, from time to time, appropriate for the benefit, care and assistance of the Indians throughout the United States for the following purposes: General support and civilization including education.

Is that the provision that you are alluding to?

Mr. DEMMERT. That is my understanding, yes.

Mr. BLOUIN. Does that also give you authority to fund all BIA education programs, K through 12, vocational, postsecondary, and so on?

Mr. DEMMERT. Yes.

Mr. BLOUIN. That general authority applies to all education?

Mr. DEMMERT. That is right.

Mr. BLOUIN. So any dollars that would be appropriated for education under the Snyder Act must be shared among all facets of the Bureau's education program. Is that correct?

Mr. DEMMERT. What we would do would be to come forward with a budget request formally through the President, submit it to Congress, and it would approve or disapprove those requests.

Mr. BLOUIN. How much is the Bureau spending for education presently?

Mr. DEMMERT. Approximately $250 million this year, fiscal year 1978.

Mr. BLOUIN. What is the request for 1979?

Mr. DEMMERT. Approximately $274 million.

Mr. BLOUIN. How much of that is being spent on postsecondary of the $250 million?

Mr. DEMMERT. In the Bureau?

Mr. BLOUIN. In the Bureau.

Mr. DEMMERT. Specifically for the community college effort, we are spending close to $16 million. But we have a total of $40-some million, $27 million of which goes directly to student aid primarily at the undergraduate level.

Mr. BLOUIN. So of $40 million, $27 million of which is for student aid?

Mr. DEMMERT. That is right.

Mr. BLOUIN. Does this include the Navajo Community College?

Mr. DEMMERT. Yes, it does.

Mr. BLOUIN. How much of that?

Mr. DEMMERT. For the Navajo Community College, we provide about $5.3 million right now.

Mr. BLOUIN. Does that include funding for Haskell?

Mr. DEMMERT. Yes, and Southwestern Indian Polytechnic Institute and the Institute for American Indian Arts. The amount for the three Bureau schools in the Bureau is right at $12 million, $12.6 million.

Mr. BLOUIN. What other programs are funded out of that of a postsecondary nature?

Mr. DEMMERT. We have special programs at the graduate level, for funding both students and programs. The special programs include school administration, law, medicine, forestry, engineering.

Mr. BLOUIN. How do you arrive at the amount of postsecondary emphasis in your request? If I remember right, the Bureau told us last October in a hearing that postsecondary was not on the band analysis. Is that still correct?

Mr. DEMMERT. In general, that is correct, but we do have four schools that are on the band analysis. The four community colleges for which we provide direct Bureau assistance for are on the band.

Mr. BLOUIN. How do you arrive at the priorities for postsecondary spending in terms of your request?

Mr. DEMMERT. Two ways: one is the band analysis process which involves the Indian Community, and some sort of direction usually from the Congress. But I should point out that for the last 2 or 3 years, the budget cycle in the last 2 or 3 years, we have remained fairly stable in terms of our request, and in terms of the funding level approved by Congress.

Mr. BLOUIN. I notice, in going through the Department of Interior's justification statement for fiscal 1979 that the Bureau's budget in terms of higher education shows a decrease of $866,900 in special higher education, and an increase of $1,054,000 in adult education, a decrease of $280,000 for Indian controlled community colleges. Are those figures accurate; am I dealing with the right figures?

Mr. DEMMERT. Yes.

Mr. BLOUIN. I have also noticed that the increase in adult education funds was because of tribal requests. Can you explain for the record how that occurred?

Mr. DEMMERT. That is part of the band analysis process where the tribe at the community level, at the local level will go through a series of steps to identify their needs at different percent levels, usually 85, 90 or 95 percent of last year's, or 100 percent of last year's, on occasion, or 110 percent, and then probably on need.

They will go through that and give a figure for each of those columns. They will then prioritize those in terms of some sort of a rank, recognizing that there is a ceiling on the Federal budget. In that way they come forward with a budget request for a particular program, and that was how that particular line item was identified.

Mr. BLOUIN. Do you actually request tribal input into that budget?

Mr. DEMMERT. It is an integral part of the process. It is there.

Mr. BLOUIN. Is it there by happenstance, or is it systematically requested?

Mr. DEMMERT. It is essential. It is a process that requires their active participation at the local level.

Mr. BLOUIN. As I continue to read through that justification, it says, and I quote again: "This increase is partially offset by proposed decreases in one special higher education program in the amount of $866,900, and two Indian controlled-community colleges in the amount of $280,600."

My question is, it would appear that each of the Bureau's education programs competes for dollars within its own priority system. Is that a correct assumption?

Mr. DEMMERT. That is correct, recognizing that we have a certain budget ceiling to work with in the Bureau of Indian Affairs.

Mr. BLOUIN. In that priority system, when the total amount of money of $250 million was considered, about $43 million was earmarked for higher education as the priorities were laid out. When you got into postsecondary, the Indian controlled community colleges' funding mechanism, the priority was such that they ended up with a $280,000 cut in this whole priority balanced process?

Mr. DEMMERT. Yes.

Mr. BLOUIN. What is the status of higher education within the Indian community; how do you view it? Is it a quality process, and is it abundantly available; is that what is working?

Mr. DEMMERT. There is substantial evidence to show that it is working fairly well. We have had a tremendous increase in the last 10 years, and now serve over 20,000 Indian students in postsecondary activities; 10 years ago we were probably serving about 5,000. So we have had about a 15,000 student increase in the last 10 years or more.

The quality of the programs themselves depends, to a large degree, on the schools, the teachers in those schools, and whether or not students are ready for a public institution or private institution, or a Bureau institution. Students do better in different institutions.

For example, we have clear indication that many students tend to drop out if they enter a 4-year college. But if they go to a community college first, their staying power is much better. They are more inclined to finish.

Mr. BLOUIN. What has been the success rate of Indians from reservation settings in regular non-Indian institutions as compared to the Anglo rate, or the national average?

Mr. DEMMERT. I don't have that. Let me check and see if we have that figure.

My education specialist tells me that, and this can be checked by Dr. Spearman, generally we are talking about 40- to 44-percent dropout rate among the general student population across the country, for the Indian students the drop-out rate is among the general student population 75 to 77 percent.

Mr. BLOUIN. That is not Indian community colleges. That is Indian postsecondary education?

Mr. DEMMERT. That is correct.

Mr. BLOUIN. So it is almost double the rate of the national average.

Mr. DEMMERT. That is the information we have; yes.

Mr. BLOUIN. Are you familiar with the 1975 study of tribally controlled Indian colleges done by the American Indian Higher Education Consortium?

Mr. DEMMERT. I did go through it in about 1976, yes. It has been a while.

Mr. BLOUIN. Do you recall any of the conclusions of that study?

Mr. DEMMERT. I do recall that the study pointed out a substantial need for an increase in the number of community colleges. That there were large numbers of Indian students desiring entry into college not being served, and that the amount being provided for Indian controlled community colleges was not sufficient to do the job.

Mr. BLOUIN. Let me quote from part of it. It says:

> Attempts by colleges to stabilize their funding base through resources and procedures of the Bureau of Indian Affairs have been unsuccessful. Tribal finances are simply not adequate, or nonexistent. Funding from private sources, such as foundations, business corporations, is sporadic and usually not renewable. In short, funding sources for these colleges are highly unstable and represent a continuing problem.

Based on the methodology used to develop the Bureau's budget as we discussed a minute ago, do you agree with the conclusions made by the study from the statement I just quoted? Do the Indian-controlled community colleges have a stable funding problem?

Mr. DEMMERT. The four community colleges that we fund that are tribally controlled, and the three colleges that we fund within the Bureau system have a fairly stable base of support. Those that are not in the Bureau system——

Mr. BLOUIN. The three that are in the Bureau system——

Mr. DEMMERT [continuing]. And the four that we serve directly through the band analysis have a fair stable base of support.

Mr. BLOUIN. You are talking about Navajo Community College, Sinte Gleska, Lakota, and Turtle Mountain?

Mr. DEMMERT. That is correct.

Those that we do not provide support for do have, I understand, a problem providing adequate support on a year-to-year basis Much of their support, I think, comes from the Office of Education.

Mr. BLOUIN. Of the four that you have just mentioned, the Navajo Community College comes through separate legislation that was enacted in 1971, the Navajo Community College Act.

As for the other three, are any of those new initiatives originally by the Bureau?

Mr. DEMMERT. No. They are schools that came around requesting funding when the Public Law 93-638 authority became a part of the budget process in the Bureau.

Mr. BLOUIN. What new initiatives over the years in higher education programing has the Bureau been involved in; what is the track record like?

What kind of record is there with regard to new program development and which developed on their own?

Mr. DEMMERT. Let me talk about the last 5 years, if I may. The Bureau has funded several programs at the graduate level in school administration, engineering, and some of the medical professions. We have funded the American Indian scholarship program.

In addition, the Bureau has funded, as I pointed out earlier, a substantial increase in the number of students attending private and public colleges and universities, including Bureau schools.

Mr. BLOUIN. Has that funding improved the longevity rate of those Indian students in the normal educational process?

Mr. DEMMERT. We have not evaluated whether the number of graduates is greater because we are funding more students, or because the dropout rate has decreased.

Mr. BLOUIN. Percentagewise, you are still dropping out?

Mr. DEMMERT. That is correct.

Mr. BLOUIN. Four out of every five students that walk into the front door?

Mr. DEMMERT. The last information we have had would support that, yes.

Mr. BLOUIN. If the success ration is higher in Indian community colleges than in non-Indian community colleges, that four out of five is probably even higher in the main, when you filter out the Indians who are attending the community colleges that do exist that are not Indian by nature. Do you feel that this is a fair assumption?

We estimate that four out of five operates as an average for the Indian dropout rate in postsecondary education. When you exclude those Indians who attend Indian controlled community colleges, the ratio could be as high as 9 out of the 10 because the dropout rate is considerably lower in the Indian community college itself?

Mr. DEMMERT. That is correct.

Mr. BLOUIN. Have you noticed any improvement in the quality of higher education that Indians are receiving as a result of Bureau student funding to those students attending non-Indian postsecondary institutions?

Mr. DEMMERT. We don't have any information on that except we do know that the number of programs—let me rephrase that. We do know that when we fund programs specifically for Indians, the dropout rate is substantially reduced.

For example, in the graduate programs that the Bureau has funded, the dropout rate is probably as low as 10 percent.

Mr. BLOUIN. So when there is a program or atmosphere that is Indian, it is a far better bet that that Indian is going to get an education?

Mr. DEMMERT. That is correct. That is the information we have.

Mr. BLOUIN. That he is going to stick it out?

Mr. DEMMERT. Yes.

Mr. BLOUIN. Why is that?

Mr. DEMMERT. I would have to do a little bit of speculating. For example, I talked to one of the administrators of Fort Lewis College in Colorado, who told me that they reversed their dropout rate from over 60 percent to over 60 percent retention when they developed a program that focused on activities that were culturally related to the tribes attending that particular institution.

In addition to that, most of the programs provide support in the areas of strenghening a particular subject, tutoring or helping students make up the deficiencies that they might have had from an earlier educational experience, and that helps, substantially

Another thing, I think, is the interaction that they are able to have with members of other tribes as well as members of their own tribe.

Mr. BLOUIN. Something that you might be willing to say is that it is extremely difficult to create this in other settings?

Mr. DEMMERT. That is correct.

Mr. BLOUIN. What has been the Bureau's past attitude toward legislation similar to what we have in front of us today?

Mr. DEMMERT. I have been involved, either directly or indirectly, with legislative efforts since 1972. If I remember correctly, except for 93-638 the administration has usually opposed new legislation.

Mr. BLOUIN. In 93-638 the Indian Self-Determination Act, section 203, title II, Congress mandated, in consultation with the Bureau of Indian Affairs, that it should submit, no later than November 1, 1975, a report which shall include, among other things, the specific programs together with detailed legislative recommendations to assist in the development and administration of Indian community colleges. What is the status of that report?

Mr. DEMMERT. If I remember correctly, the Bureau of Indian Affairs, through the Department, forwarded that to Congress in part to meet their requirements.

When I came to the Bureau, I was asked to develop a concept paper on higher education. This paper had been developed and submitted as a recommendation. I understand that the Department did release that concept paper to their committee yesterday. So you have two documents that address postsecondary education.

Mr. BLOUIN. Beyond that, there has been no specific report completed yet, beyond taking the consortium's work and the other report you just referred to?

Mr. DEMMERT. I think my own position would be that those recommendations would fulfill that requirement.

Mr. BLOUIN. Based on the commitment that was made on the completion of that report, and the existing authority in the Snyder Act, what assurances do we have that the BIA will provide the kind of stable funding needed to provide for successful operation of tribally controlled community colleges?

Mr. DEMMERT. I assume you would be talking about new starts beyond the four that we now fund?

Mr. BLOUIN. Yes.

Mr. DEMMERT. My impression is that under the existing budget ceilings, we would not, nor would the tribes add substantial or changed priorities to begin full funding of community colleges. In some cases, they would not begin partial funding of those community colleges.

Mr. BLOUIN. So in your estimation as the Bureau views priorities, postsecondary does not quite hack it yet.

Mr. DEMMERT. I am not sure that I want to put it that way.

Mr. BLOUIN. How would you put it?

Mr. DEMMERT. In our list of priorities—there is need for definite movement in the postsecondary area. In the Office of Indian Education, we have identified early childhood education as a priority that we need to focus on, if we are going to make a substantial improvement in the academic achievement levels of Indian children.

We also have two other requirements that we need to meet, handicapped education, and bilingual education, both areas that need substantial improvement.

Mr. BLOUIN. In your statement that you submitted at the beginning, your basic reason for opposing the legislation was that there was sufficient authority to provide financial and technical assistance to all tribally controlled community colleges. Yet I get the impression that even though there is sufficient authority, there is not sufficient clout as priorities stack up with the BIA to use that authority.

Mr. DEMMERT. We have two problems.

One: The overall budget ceiling that the Congress has and that each of us in the administration has in our various departments or bureaus, recognizing that we all have to prioritize.

Second: There are some critical needs that we are attempting to focus on that are equally as important, or in some cases, we feel, more important; yes; in direct response to your earlier question.

Mr. BLOUIN. So we have no reason to believe that there would be any substantial change, one way or the other, in terms of the Bureau's postsecondary priorities if this legislation is not enacted. In other words, we can assume the status quo in terms of the community colleges. Those that are being funded will continue and there will not be any dramatic drawback, or any dramatic increases?

Mr. DEMMERT. In terms of institutional support, yes. In terms of Indian student support, we have shown a substantial increase in the last 10 years.

Mr. BLOUIN. How much of that individual student support has gone to students attending Indian-controlled colleges, percentagewise, as opposed to those going to non-Indian community colleges, or non-Indian postsecondary institutions?

Mr. DEMMERT. I think in that respect we would have to say most of the direct student support for students in Bureau schools would come from HEW.

Mr. BLOUIN. So you don't know.

Mr. DEMMERT. No, I don't.

Mr. BLOUIN. I will ask HEW later, but could you shed some light on the problem I have interpreting the letter sent to Jim McIntyre, the Director of OMB, by Secretary Califano in early June. I will read the first two paragraphs:

> DEAR MR. MCINTYRE: This is in response to your request for a report on the Department of Interior's report on H.R. 9158, a bill to provide for grants to tribally controlled community colleges and for other purposes.
>
> The Department of Interior's report would favor enactment of the bill because of the need

this is quoting the Interior letter

> ". . . need for funding source for Indian controlled community colleges." Rather than supporting the bill at this time, we believe the Administration should include the issues raised by this legislation in its reauthorization review of all Federal Higher Education Programs.

Then it goes on.

The letter would seem to indicate that Interior was in favor of this legislation at some point. Could you give the committee any insight on that?

Mr. DEMMERT. As the concept paper points out, which we will submit for the record, our recommendation at the BIA Office of Indian Education level was to support the legislation, and clearly point out some additional direction that needed to be taken.

In talking directly to the Deputy Assistant Secretary——

Mr. BLOUIN. What was your office's recommendation at that time?

Mr. DEMMERT. Our office's recommendation was to support.

Mr. BLOUIN. Go ahead.

Mr. DEMMERT. My understanding after talking directly to the Deputy Assistant Secretary for Programs was that he responded favorably to that recommendation. Beyond that, I am not sure what the official departmental position was.

Mr. BLOUIN. As I read Secretary Califano's letter to Jim McIntyre, literally it starts out, in the second paragraph, "The Department of Interior's report would favor enactment of the bill." That would lead me to believe clearly that as Joe Califano reads the Interior Department's report, at that stage, the Department of Interior, not just the BIA, and not just your office, but the entire Department of Interior's position was one of support. Am I misreading something?

Mr. DEMMERT. That appears to be correct.

Mr. BLOUIN. What changed things?

Mr. DEMMERT. Well, I would have to speak directly from experience.

Mr. BLOUIN. This is a June 5 letter, you know.

Mr. DEMMERT. Yes.

I would have to speak from experience, not knowing specifically what happened. But as you know most policy decisions and recommendations have to go through a certain process. That process includes both the Department of HEW and the Department of Interior submitting reports to the Office of Managment and Budget.

I would assume——

Mr. BLOUIN. I think that it is a fair assumption that OMB had something to do with the positions, helping formulate positions based on the reality of priorities and dollars available, and things of that nature?

Mr. DEMMERT. That is their role, yes.

Mr. BLOUIN. That is a pretty fair assumption.

Does the involvement of reality by OMB in anyway impact on the need that apparently your office feels exist in postsecondary education?

Mr. DEMMERT. I would have to go back to the budget ceiling that we have to work under.

Mr. BLOUIN. Let's set that aside for the moment.

Your office must have established some need in terms of formulating your recommendation for communty colleges and Indian controlled community colleges, the need to meet post secondary education demands.

Mr. DEMMERT. The primary study was the one done by the American Indian Higher Education Consortium in 1975.

Mr. BLOUIN. Has that need diminished even though the priorities in the mind of OMB counseling has forced it down a rung or two?

Mr. DEMMERT. I would have to assume that much of the information tells us that it is all there in terms of institutional support.

Mr. BLOUIN. So the need for institutional support is still there. The need for finding a way of educating Indian students beyond high school in settings that are conducive to learning, are still there.

You have spelled a very good correlation between that education in an Indian setting and success ratio.

Mr. DEMMERT. Yes. That compatibility is very good all the way from elementary and secondary school as well.

Mr. BLOUIN. Even though the Snyder Act does grant the Bureau the authority to fund under present law, do you, without major budget adjustments, see any change in the funding pattern in the near future?

Mr. DEMMERT. I would not anticipate any.

Mr. BLOUIN. Would you oppose the Congress helping the Bureau change the funding pattern slightly, and exercising our right to accentuate the Bureau's programs?

Mr. DEMMERT. As I understand our respective roles, we are to carry out your mandates. I don't oppose that concept.

Mr. BLOUIN. I did not think that I would ever hear a department say that.

Thank you.

I will ask the minority if they have any questions.

Ms. VANCE. In a letter that was dated April 26, 1978, the Bureau indicated to the committee that the average per pupil cost for students enrolled at Haskell Indian Junior College was $5,373 for fiscal year 1977. They also provided a breakdown of that figure which listed $639 as the administrative cost per pupil.

Can you explain why that administrative cost is so high?

Mr. DEMMERT. Not right off the top of my head, no. We would have to go in and do a fairly careful analysis of that. But part of it would, I am sure, be tied into——I am not sure of that either. I would say that part of that might be plant management operations, which is a fairly high amount in old facilities. But I am not sure that the cost that you quoted would include that.

Ms. VANCE. There was another cost entry for the plant maintenance operation. Perhaps someone within your department could provide that for the record.

Mr. DEMMERT. OK, we can do that.

[The information requested follows:]

U.S. DEPARTMENT OF THE INTERIOR,
BUREAU OF INDIAN AFFAIRS,
HASKELL INDIAN JUNIOR COLLEGE,
Lawrence, Kans., June 28, 1978.

Memorandum to: Office of Indian Education.
Attn: Ms. Ramona Osborne.
From: Vice President.
Subj: Breakdown of "Administration and Other" per student cost estimate for fiscal year 1978.

Listed below is the breakdown of "Administration and Other" per student cost estimates for fiscal year 1978 as you requested:

3100 Account—Education:	Staff
Administration (salaries)—number of staff:	
President's and Vice-President's office	6
Administrative officer's office	4
Property and supply office	6
Financial aids office	7
Publications office	2
Student Bank	2
Total	27
Cost of staff	372,502
Administration (other than salaries):	
Student death expenses	$1,638
North Central accreditation and junior college associations fees and expenses	2,790
Government forms and envelopes for shool-wide use	3,000
Xerox rental and supplies	20,000
Equipment purchase and service	12,122
Supplies and materials	26,000
Student work program for property and supply, student bank, financial aids, publications, mail delivery, etc	16,537
Staff travel and student travel to national Indian conferences and meetings	17,788
Total	99,695
Financial aids [1] (travel, supplies, and equipment)	$6,000
Board of regents	35,000
Staff training	5,000
Summer school [2]	68,000
Total	114,000
Total	586,197

[1] Should have been listed in item preceding.
[2] Should have been listed under Education.

Mr. BLOUIN. Mr. Demmert, I have one request that I want to put to the Bureau. Then I will yield to Mr. Pressler. That request is this, this committee would like a copy of the Interior report submitted to OMB to which Mr. Califano refers in his letter to Mr. McIntyre.

Mr. DEMMERT. Let me ask Mr. Reeser, who is our legislative counsel, what the proper procedure for that is.

Mr. REESER. Mr. Chairman, I am Ralph Reeser, Director of Legislation for BIA. I believe the document the HEW letter refers to was the draft report that went to OMB by Interior for clearance with OMB and HEW. As to whether or not that can be furnished to the committee will have to check.

Mr. BLOUIN. For the time being, I will accept that. We are also checking as to whether or not we can have that report and we will let you know what we find.

[The information follows:]

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., June 28, 1978.

Hon. CARL D. PERKINS,
Chairman, Committee on Education and Labor,
House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: During your Committee's June 14, 1978, hearing on H.R. 9158, Representative Blouin requested that the Interior Department furnish the Committee with a copy of "the Interior report submitted to OMB to which Mr.

Califano refers in his letter to Mr. McIntyre." A portion of a June 5, 1978, letter from Secretary of Health, Education, and Welfare Califano to OMB Director McIntyre was read into the hearing record by Representative Blouin, and the Committee staff has furnished us with a copy.

It should be noted that the final Interior Department report to your Committee on H.R. 9158 is dated May 26, 1978, prior to the date of the HEW letter to the Office of Management and Budget. The position taken in the Interior Department's report to your Committee is consistent with the position taken in Secretary Andrus' July 27, 1977, report to the Senate Indian Affairs Committee on S. 1215 and S. 468, which are similar to H.R. 9158. Copies of those reports are enclosed for your ready reference.

Also enclosed is a draft report on H.R. 9158 which we believe is the subject of Mr. Blouin's request. The draft report did not reflect the final departmental position on H.R. 9158. Our final position is set out in the May 26 letter to your Committee signed by Under Secretary James A. Joseph.

Enclosed is the transcript of the hearing. We have reviewed the transcript and corrected the remarks of the Departmental witnesses.

Sincerely,

JOHN M. POWELL, *Legislative Counsel.*

Enclosures

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., July 27, 1977.

Hon. JAMES ABOUREZK,
Chairman, Select Committee on Indian Affairs.
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This responds to your request for our views on two bills: S. 468, "To amend the Navajo Community College Act," and S. 1215, "To provide for grants to Indian-controlled postsecondary educational institutions, and for other purposes."

We recommend that the Committee defer consideration on both bills.

S. 468 would amend the Act of December 15, 1971 (85 Stat. 646) by authorizing, for each fiscal year from 1978 through 1982, $10.5 million for direct grants for construction to the Navajo Community College. The bill further authorizes appropriations for the College of an annual sum for operations and maintenance equal to the average amount of per capita contribution made by the Federal Government to the education of Indian students at federally operated institutions of the same type.

S. 1215 would add a new title III to the Indian Self-Determination and Education Assistance Act (Public Law 93-638, 88 Stat. 2203) to provide grants by the Secretary of the Interior to Indian-controlled postsecondary institutions, for planning and development of education programs, basic operational costs, employment, curriculum development, student services and community service programs. The bill provides certain eligibility requirements for assistance thereunder, plus a formula for allocating grants. Such grants will be made only upon application of the institution, and the Secretary is required to consult with Indian higher education organizations in making such grants. The bill authorizes $21 million for each of the first two fiscal years following enactment and $22 million in the third fiscal year. Any of the unappropriated portion of the $22 million would be authorized for the fourth fiscal year following enactment. The bill further authorizes $2.3 million for technical assistance grants.

Within 90 days of enactment, the Secretary is required to report to Congress a survey of existing and planned Indian college facilities together with his recommendations to meet the needs of such institutions for improved and additional facilities. The bill also requires the Secretary to assist a tribe, upon request, in planning and developing feasibility studies to determine the need to start and maintain an Indian College and to prepare grant applications and related budgets for such.

Beginning in 1968 with the establishment of Navajo Community College in Arizona on the Navajo Reservation, at least 20 additional tribes have chartered postsecondary institutions for their members. Almost all of them are on Indian reservations and all are located within areas of high Indian population.

Of this number, only Navajo Community College has received full accreditation by the North Central Accreditation Association. Three other institutions are recognized as candidates for accreditation, and there are indications that at least one more institution may gain candidate status by 1978. The others are affiliated with larger sponsoring institutions for course accreditation purposes.

Indian-controlled postsecondary institutions are a relatively recent development, which grew out of the need for community colleges at both individual and community levels.

The high dropout rate of Indian college students indicates that there are problems with all levels of education currently available to Indian people. While approximately 46.9 percent of all students leave college before obtaining a four-year degree, the dropout rate among Indian students is approximately 77 percent in the first four years.

Current authority for the Bureau of Indian Affairs to assist Indian community colleges comes from the broad general authority in the Snyder Act of 1921 (25 U.S.C. 13), which authorizes the BIA to spend funds appropriated "for the benefit, care and assistance of the Indians throughout the United States for the following purposes: general support and civilization, including education * * *." Other education programs, more traditional with BIA, also compete for and utilize these funds.

Under this authority, Lakota Higher Education Center and Sinte Gleska Community College, both in South Dakota, each have receive $225,000 of Snyder Act funds. This includes $200,000 for basic school operations and $25,000 for scholarship assistance for their students. Further, the Lummi School of Aquaculture and the Tanana Chiefs Conference's Land Claims College, also received BIA funding through the Snyder Act.

Also, Indian students receive over $27 million insert of direct financial assistance through the BIA scholarship program.

Navajo Community College is primarily funded through the Bureau of Indian Affairs by a line item appropriation under the authority of the Navajo Community College Act of December 15, 1971 (85 Stat. 646; 25 U.S.C. 640(a-c)). In this instance, specific authorizing legislation was deemed necessary. Under the BIA's fiscal year 1978 budget, some $5 million will be provided to Navajo Community College for operations and maintenance, and these needs are right now being evaluated and considered by the BIA for the fiscal year 1979 budget.

We would point out that the Department of Health, Education and Welfare administers a variety of assistance programs, both to Indian students, including those who attend Indian colleges, and to Indian colleges, such as financial aid for students and support for developing institutions. We note that Indian students and institutions can participate in any or all of these programs.

We do recognize a need to provide special assistance to institutions with unusual problems such as those serving individuals from particular backgrounds. HEW is in the process of reviewing the developing institutions program to determine how best it can meet this need. We will be closely consulting with HEW, as well as undertaking a review within the BIA, in order to determine the most effective means to provide help to and admin ster programs for Indian-controlled postsecondary institutions. Therefore, we reco..mend that the Committee defer consideration on both S. 468 and S. 1215 until these reviews are completed and recommendations developed.

We believe that any assistance to Indian colleges must insure for their responsiveness to the needs of Indian students and communities, while maintaining education standards and quality.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

CECIL D. ANDRUS, *Secretary.*

[Draft]

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C.

Hon. CARL D. PERKINS,
Chairman, Committee on Education and Labor,
House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This responds to your request for our views on H.R. 9158, a bill "To provide for grants to tribally controlled community colleges, and for other purposes."

We recommend enactment of H.R. 9158, if amended as suggested herein.

Title I of H.R. 9158 would provide grants for the operation and improvement of tribally controlled community colleges to aid in the postsecondary education of Indian students. Such grant monies would go into the general operating funds of the

institution to defray the costs of activities related to non-sectarian education programs for Indian students. To be eligible for assistance, a tribally controlled community college would have to meet the following criteria:

(1) The institution would have to be governed by a board of directors or trustees, a majority of whom are Indians;

(2) The institution would have to demonstrate adherence to stated goals, a philosophy, or a plan which is directed to meet the needs of Indians; and

(3) If in operation for more than one year, the institution would have to have a majority of Indian students.

We recommend amending this section by adding at the end thereof the following new subsection:

"(b) Five years following initial receipt of a grant under titles I or II of this Act, a tribally controlled community college shall be eligible to receive further assistance under this Act only if it is an institution—

"(1) which is accredited by a nationally recognized accrediting agency or association; or

"(2) which is accredited by a State accrediting agency; or

"(3) if not so accredited, whose credits are accepted on transfer by not less than three institutions which are so accredited, for credit on the same basis as if transferred from an institution so accredited."

Title II of H.R. 9158 would direct the Secretary to conduct a detailed study of academic facilities needs of tribally controlled community colleges and report the results to Congress not later than November 1, 1979. The Secretary would be authorized to make grants to the governing body of a tribally controlled community college for preparation of construction plans for academic facilities identified in the survey, and grants for the actual construction.

We believe this title is particularly desirable since most of the current community colleges are being operated in temporary, inadequate facilities. Unless some immediate consideration is given to meeting critical facilities needs, the academic programs offered by these institutions will be severely circumscribed.

Title III of the bill, the "Navajo Community College Assistance Act of 1977," would amend the Act of December 15, 1971 (86 Stat. 646) by authorizing a total of $60 million for the three fiscal years after enactment of this Act for purposes of making construction grants to Navajo Community College. Title III would further authorize to be appropriated for grants to Navajo Community College for operation and maintenance of the college an amount equal to $125,000 plus $3,500 for each full time equivalent Indian student which the Secretary estimates will attend the college. Because of their special treatment under the title, the Navajos would be excluded from participation in programs conducted pursuant to Titles I and II.

H.R. 9158 would provide a stable source of funding to tribally controlled community colleges and permit them to develop the educational programs desired by the tribes being served. In addition, we believe the amendment suggested above would encourage these institutions to become fully accredited, financially sound community colleges. Once fully accredited, these institutions would be much better able to compete with other postsecondary institutions for assistance under existing programs administered by the Department of Health, Education, and Welfare.

The need for a stable funding source for Indian controlled community colleges is well documented. In a 1975 survey of tribally controlled community colleges, the American Indian Higher Education Consortium (AIHEC) concluded: "attempts by * * * colleges to stabilize their funding base through resources and procedures of the Bureau of Indian Affairs have been unsuccessful; tribal finances are simply not adequate or not-existent. Funding from private sources such as foundations and business corporations is sporadic and usually not renewable. In short, funding sources for these colleges are highly unstable and represent a continuing problem."

In constant need for stabilized funding, tribally controlled community colleges have been unable in the past to provide the long-range planning for adequate educational programs, facilities, and services for Indian communities. Enactment of H.R. 9158 would enable these colleges to concentrate their efforts on providing a sound and fully accredited education for Indian students, rather than on only a short-range seeking of funds for the next semester.

Tribally controlled community colleges are a relatively recent development, which grew from a need for postsecondary education programs to be established near reservation communities. Beginning in 1968 with the establishment of Navajo Community College in Arizona, at least 20 additional tribes have chartered approximately 15 community colleges for their members. Almost all are on Indian reservations and all are located within areas of high Indian population. H.R. 9158 would autho-

rize grants for not less than eight nor more than fifteen such colleges during the first year after its enactment.

The high dropout rate of Indian college students indicates there are problems with all levels of education currently available to Indian students. While approximately 47 percent of all students leave college before obtaining a four year degree, the dropout rate among Indian students is approximately 77 percent in the first four years.

In a November 1977 report entitled "The Bureau of Indian Affairs Should Do More to Help Educate Indian Students," the General Accounting Office attributed the high dropout rate of Indian college students at least in part to the "culture shock" experienced by the student: "Soon after deciding on a college education, Indian students are thrust into a campus setting and often experience culture shock in adjusting to college life. Indian counselors and BIA officials said these students have great difficulty in making the transition from a largely noncompetitive rural environment to intensely competitive urban campus setting."

Current authority for the Bureau of Indian Affairs to assist Indian community colleges is the broad general authority in the Snyder Act of 1921 (25 U.S.C. 13), which authorizes the Bureau of Indian Affairs to spend funds appropriated "for the benefit, care, and assistance of the Indians throughout the United States for the following purposes: general support and civilization, including education . . ." Since other education programs, more traditional with the Bureau of Indian Affairs, must also compete for and utilize these funds, tribally controlled community colleges have received an insufficient amount to adequately plan for and maintain quality education programs.

Navajo Community College is primarily funded through the Bureau of Indian Affairs through a line item appropriation under the authority of the Navajo Community College Act of December 15, 1971 (85 Stat. 646; 25 U.S.C. 640 (a–c)). In this instance, specific authorizing legislation was deemed necessary and enactment of Title III of H.R. 9158 would continue the separate identification and appropriation of funds for grants to the Navajo Community College.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

Secretary.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., May 26, 1978.

Hon. CARL D. PERKINS,
Chairman, Committee on Education and Labor,
U.S. House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This responds to your request for our views on H.R. 9158, a bill "To provide for grants to tribally controlled community colleges, and for other purposes."

We recommend against enactment of H.R. 9158.

Title I of H.R. 9158 would provide grants for the operation and improvement of tribally controlled community colleges to aid in the postsecondary education of Indian students. The Secretary of the Interior would also be required to provide technical assistance to those colleges either directly or through contract.

Title II of H.R. 9158 would direct the Secretary of the Interior to conduct a detailed study of academic facilities needs of tribally controlled community colleges.

Title III would deal specifically with the Navajo Community College authorizing construction grants and grants for operation and maintenance to that college.

In opposing this bill, we are not opposing the concept of tribally controlled community colleges. However, we believe the Bureau of Indian Affairs currently has sufficient authority to provide financial and technical assistance to all tribally controlled community colleges. In addition, those community colleges receive some suport through the Bureau of Indian Affairs scholarship program. Accordingly, there is no need for legislation granting such separate authority at this time.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

JAMES A. JOSEPH, *Acting Secretary.*

Mr. PRESSLER. I know that Mr. Demmert is about to head for greener pastures, and we wish him well in his new position at the University of Washington.

I am going to be speaking in 2 weeks at the Pine Ridge Community College, which I don't believe is presently Federally funded, but is one that exists through other sources of support and is certainly looking for support under this type of legislation.

Now there has been some concern by the Board of Regents or others that this type of proliferation of postsecondary education is not a positive thing. That we should be moving, in some of our smaller States, perhaps more toward a more centralized campus where thoughts and ideas can be shared. What is your response to that?

Mr. DEMMERT. I think that you are referring to Lakota, for which the Bureau does provide support. That is a tough question to answer quickly. I can give you a personal bias on that, and that is, it is important to have programs centrally located at the college or university where you can bring a lot of people's thoughts and ideas together for interaction, discussion, and learning, and then large universities are necessary and important.

But we have found, on the other hand, that it is appropriate, especially for rural Indian communities, to have either small programs or educational activities tied into facilities that are there, that offer Indians who live in those rural areas some additional educational opportunity.

I think that the question would have to be answered once one looked at the community itself to see which would be more appropriate. Both are appropriate under certain conditions.

Mr. PRESSLER. Thank you.

Mr. BLOUIN. We are moving over to HEW for a few minutes.

Mr. Spearman, are you going to be handling most of these questions, or are you going to bounce them back and forth between your and Mr. Carnell.

Mr. SPEARMAN. For those pertaining to title III, I would like to defer to Mr. Carnell.

Mr. BLOUIN. Let's start with you, then. What is HEW's interest in this legislation?

As I read the legislation, and as we wrote it, it is an Interior program and not an HEW program. What is your interest in it?

Mr. SPEARMAN. The concern is that much of the responsibility for the support of colleges and postsecondary education rests in the Office of Education, which is housed in HEW itself.

Mr. BLOUIN. Does the Snyder Act mandate that educational needs find them authority in HEW?

Mr. SPEARMAN. No, sir. But the support for postsecondary education for colleges and universities, and the kind of legislative authority that other Federal agencies promulgate, which affects the total course of postsecondary education, has a real effect on HEW. To wit, most of the student aid resources that go into higher education in this country come from the Office of Education.

In fact, apart from the Office of Education itself, if you look at the total HEW budget, of the $5 million-plus generated in student aid in this country, it generates about $7 billion. When you add

matching funds which go to all students who have need in the country, HEW plays a tremendous role.

Mr. BLOUIN. Why does HEW get as upset, nervous or involved in kindergarten through 12 Indian setting education?

Mr. SPEARMAN. HEW has made every effort to respond to that by (1) creating a Bureau of Indian Education within the Office of Education; and (2) it supports that and has recommended in the 1979 budget about $59 million.

Mr. BLOUIN. I am talking about Bureau schools and Indian controlled contract schools on Indian reservations, Indian controlled or BIA controlled schools, the same kind of thing. You have a tremendous impact in that area, in education of kindergarten through 12, just as you do in postsecondary.

Mr. SPEARMAN. May I turn to Mr. William Blakey, the Deputy Assistant Secretary for Legislation.

Mr. BLAKEY. Mr. Chairman, with the exception of title I, and a number of other programs, such as bilingual education, these are the only programs operated within the Department that relate to those schools. We do have a responsibility in the Bureau for nonreservation schools.

Mr. BLOUIN. I understand that. But when the Bureau puts together their kindergarten through 12 budget for Indian-controlled contract and BIA schools, does HEW comment on that budget request to OMB as a matter of course?

Mr. BLAKEY. In the budget process, they will give comments to OMB indirectly.

Mr. BLOUIN. So as a matter of course, HEW does comment on all educational programs at BIA in regard to Indians?

Mr. BLAKEY. Not all of them because we are not aware of all of them. But when they go to OMB, if OMB asks us for comments, then we do. There are some informal relations between the two departments on education-related issues.

Mr. BLOUIN. What is your policy generally toward the Bureau schools kindergarten through 8 setting in the Navajo reservation?

Mr. BLAKEY. We would not have—I do not believe we have a general policy, except with respect to those programs.

Mr. BLOUIN. Why?

Mr. BLAKEY. Because that has been committed to the Bureau of Indian Affairs.

Mr. BLOUIN. Why?

Mr. BLAKEY. Why has it been committed?

Mr. BLOUIN. Why is it over there?

Mr. BLAKEY. Because Congress mandated that it be there.

Mr. BLOUIN. That is right, it is over there because of the relationship that the BIA has with the Indian schools because of treaty commitments, and mandate in past legislation to meet the educational needs among other needs. Is that right?

Mr. BLAKEY. Yes.

Mr. BLOUIN. Doesn't that seem to be the natural place to put education generally if the bulk of it is there. Shouldn't most of it be there in that same setting situation? I am not talking about the off-reservation title IV programs. I am talking about——

Mr. BLAKEY. I don't know if it is the natural place, but it is the place where Congress has placed it. As you well know, Mr. Chair-

man, before the Congress now is a bill to create a Department of Education, which, at least as the proposal is now in the Senate, would put all Indian Education programs in the new Department.

Mr. BLOUIN. The Department of Education.

Mr. BLAKEY. They would all be there, yes.

Mr. BLOUIN. So it is somewhat unusual for HEW to be as directly involved in a BIA Indian-reservation-oriented educational program?

Mr. BLAKEY. I would say, no, as you have spelled it out. My response would be yes, except that most of the education-related matters, as Dr. Demmert has testified and Dr. Spearman has indicated, are in the elementary and secondary area.

Mr. BLOUIN. Can you comment on the Navajo Community College budget?

Mr. BLAKEY. Not to my knowledge.

Mr. BLOUIN. Why not?

Mr. BLAKEY. Not to my knowiege. I don't know that that, in fact, does not occur. We do not provide money directly to the Navajo Community College, except through our title III Developing Institutions program.

Mr. BLOUIN. Do you object to that college getting its direct institutional aid——

Mr. BLAKEY. I did not get the first part of your question.

Mr. BLOUIN. Do you object?

Mr. BLAKEY. Not that I am aware of, not that we ever have.

Mr. BLOUIN. Do you object to Sinte Gleska getting its direct assistance from the Bureau?

Mr. BLAKEY. Not that I am aware of.

Mr. BLOUIN. Turtle Mountain?

Mr. BLAKEY. No.

Mr. BLOUIN. You don't object to any of the direct funded programs in post secondary that the Bureau is into now; you don't comment on their budget?

Mr. BLAKEY. Not that I am aware of, Mr. Chairman, no.

Mr. BLOUIN. So that it is unusual to be commenting on this legislation as an extension of Bureau funding.

Mr. BLAKEY. I don't think that is the general point here. We have not commented, or do not comment, or have not been asked to comment on funding going to four or five institutions, which are supported primarily by BIA and also by other programs within the Department of HEW would lead necessarily to the conclusion that we would not comment on the proposed establishment of a broad institutional support program for Indian community colleges. I would draw a distinct difference between those two.

Mr. BLOUIN. I am not sure I would, but we will let it go for the time being.

Let's go to that letter that I talked about with Mr. Demmert a couple of minutes ago, just to make sure that we are understanding. The letter does say that the Department of Interior's report would favor enactment. Is that correct?

Mr. SPEARMAN. Yes.

Mr. BLOUIN. If you will go down the first page of the letter, and you will find a listing of factors which must be considered in your analysis of the bill. Let's go through these one point at a time.

The first factor, you say, in essence, that the Federal effort always has been and always will be student assistance rather than institutional support. Do you know any other group in the country that is faced with the same situational factors as Indian tribes, geographical isolation, irregular tax base.

Mr. BLAKEY. None that I am aware of.

Mr. BLOUIN. Any other group that has a government-to-government relationship with the United States?

Mr. SPEARMAN. None.

Mr. BLOUIN. How can you make the statement that Federal higher education efforts will undoubtedly—this is a quote from the letter—"will undoubtedly continue to be student assistance rather than institutional support."

Then on the second page, you make a statement that "Some reassessment is needed because of the existing programs have not met the needs." It seems to me that you are judging Indian community colleges by other institutional criteria, when you submitted that Indian tribes are not like any other group.

Mr. SPEARMAN. The Office of Education at HEW admits that there are unique relationships that exist between tribal Indians and the Federal Government. The question of whether to expand postsecondary education by creating additional postsecondary institutions, when the Federal resources have been, I think, if we look at the trend in terms of the infusion of Federal dollars from 1971 of $700 million in three categorical programs of student aid, has grown to a staggering figure of $3.1 to 3.5 billion within the Office of Education itself.

So I think that the trendline clearly shows that the Congress and HEW are enjoined in recognizing that student aid is the fundamental and undergirding issue for creating assets for students in this country.

Mr. BLOUIN. I would suggest that this is a typical response of one that does not understand the unique relationship that exists between the Federal Government and Indian nations.

We have just established the fact that the Indian tribe setting is unique, it is different. In the questioning, and just about every time this committee has gotten into success ratios with BIA, we have pretty much established the fact that the existing college or postsecondary environment, at least for Indians, is not working. The dropout rate is massive. But the dropout rate is substantially reduced, strikingly so, when it is put into an Indian setting exclusively.

So there is a difference.

Mr. SPEARMAN. While it may appear on the surface that I don't understand that, I think the bill proposes the infusion of Federal capital in the operating costs of the institutions, and I think that we, in HEW, are concerned.

Mr. BLOUIN. How does it differ from the contract and the Indian support schools; how does the funding mechanism differ from the Indian control school. It is the basic institutional aid, isn't that right, Mr. Demmert?

You start with a basic flat form, and you move on that based on the number of students and the cost of delivery of services, and things of this nature.

Mr. DEMMERT. For Bureau schools, that is correct.

Mr. SPEARMAN. For Bureau operated schools. Mr. Blouin. So why is it so different at the postsecondary level as to incur the opposition of HEW?

Mr. SPEARMAN. For one reason, in the 1972 amendments, the Congress has created title X for the establishment of community colleges.

Mr. BLOUIN. How much money is in that title?

Mr. SPEARMAN. Not one single nickel. The administration has not requested funds for it, and the Congress has not appropriated any money for that category.

Mr. BLOUIN. How much money goes to direct student assistance for Indian students, postsecondary level, across the country?

Mr. SPEARMAN. Mr. Chairman, I think that I could probably obtain those figures, but much of our money does not come with racial identities on it. But we probably could come up with an estimate by calling the student aid office and getting a figure for that. If we will permit us, we will enter an estimate for the record.

Mr. BLOUIN. I would appreciate that. That would be a very interesting factor.

The second factor, if you will take a look at the area where Indian community colleges are located, you will find that there is little else available within a reasonable traveling distance. The bill's feasibility study calls for an assurance that maximum opportunities and economy of resources be available. On that second factor:

> For the foreseeable future, there will be an excess capacity in the facilities available at existing higher educational institutions. The creation of new facilities or expansion of existing ones will only increase this oversupply.

Just to make sure the record is straight, the bill does not allow anything to be built without a feasibility study. Also I might add, although I don't question the fact that educational facilities must be thoroughly utilized, the statement in my mind exemplifies the lack of understanding the Department has toward Indian postsecondary education.

In the visits I made to Indian community colleges, I certainly did not see any surplus of space, any huge buildings empty, or any college ready to close up for the lack of clientele. As a matter of fact, in many instances, these colleges are utilizing every available, existing facility, whether the buildings are ready to fall down or not, as long as there is still a structure standing, they are using it.

Are you talking about an oversupply here of educational facilities on Indian reservations?

Mr. SPEARMAN. In effect, Mr. Chairman, our reference was to the Froomkin study in 1970 which dealt with the overall capacity of higher education institutions, and not specifically Indian schools.

Mr. BLOUIN. You are talking about an oversupply of classroom space across the Nation. Now we are taking the Indian category, and fitting that total category into that.

Mr. SPEARMAN. Yes.

Mr. BLOUIN. Is that fair?

Mr. SPEARMAN. There are two parts. We are doing that, and secondly we recognize that within title VII of the Higher Education

Act, almost duplicative authority to do the same thing today, in terms of construction.

Mr. BLOUIN. How much money is in that program?

Mr. SPEARMAN. There is no Federal capital contribution so far for construction at this particular time. We have only been paying the interest.

Mr. BLOUIN. Do you foresee any HEW program to construct community colleges or postsecondary institutions?

Mr. SPEARMAN. That has not been a part of the 1979 or 1980 budget submissions, as I have seen it. The direction of the 1979 budget has been toward money for renovation to meet the cost borne by the handicapped and to anticipate costs of renovation for energy efficiency.

Mr. BLOUIN. So you don't see anything changing?

Mr. SPEARMAN. I do not see any new construction per se.

Mr. BLOUIN. The third factor in the letter, you make the statement that you don't know whether the institutions that would be supported by this legislation, H.R. 9158, will offer the type of educational services most needed by Indian students.

The statement, frankly, I would think, if I were an Indian, would have to be considered very insulting, at the very least somewhat insensitive.

Who do you think is better able to determine the needs of Indian students, the tribe or HEW?

Mr. SPEARMAN. After rereading this, I probably concur that it may be possible to read that statement that way. But what I think the Secretary meant, Mr. Chairman, is that an effort ought to be made on the part of a number of individuals, including a broad representation of the Indian community and the Departments of Interior and HEW, and other educational officials, in trying to assess what the real curricula needs, construction needs ought to be within that setting.

It does not have to do with an indictment that suggests the possibility that Indians would not know. It simply suggests that if——

Mr. BLOUIN. H.R. 9158 tries to perceive the need for consultation. If I remember rightly, HEW is brought in on a consultation capacity in terms of expansion, or new facilities. We would not argue that. I have no objection to what you are saying, pull them together and sit down and talk. When was the last time that was done; has it ever been done; has HEW, Interior, and the Indian communities, and the Indian tribal council ever sat down and talked about postsecondary educational needs, and plans to meet those needs?

Mr. BLAKEY. Not that I am aware. I expect that this will be done in the process of the reauthorization this time. I cannot speak as to what happened in the last 10 years.

Mr. BLOUIN. Is that in your budget. You don't want to sit down and meet for nothing. Is there money to sit down and meet, and systematically go out and determine what the needs are?

Mr. BLAKEY. I am not aware that any money is in the budget.

Mr. BLOUIN. Is there money in the Bureau budget for that kind of initiative?

Mr. DEMMERT. We did have a Federal Interagency Committee on Education in March 1977, and the report that was just released a

month or so ago addresses educational problems, including higher education. This was the combined effort of representatives from the Indian community, HEW, Interior, and from the Congress.

Mr. BLOUIN. What did that report show?

Mr. DEMMERT. In effect it showed—the report itself focused on the recommendations from the Indian community, and attempted to identify some of the problems, both at the State level and the Federal level, that were encountered in responding to recommendations and to the needs of the Indian community. It showed a substantial need in many areas.

Mr. SPEARMAN. Mr. Chairman, as one who worked on that committee, the report clearly indicated that there was a very strong need for increased educational opportunity to reach Indians at the postsecondary level.

First let me back up and point out that in the deliberations of the FICE Committee report, we focused on Native Americans and Hispanic communities. For both groups, they were called into Washington to work with us and reassesss and evaluate the recommendations that the committee had set forth.

In the final report, the recommendations were almost exclusively those of the Native American groups and Hispanic groups that participated in the study. In that report, it clearly pointed out that one of the strong findings is that we move to secure permission from the Office of Civil Rights to collect data by race, and because there was no clear-cut identity of patterns, or racial patterns of the infusion of money from the Federal Government because the 1964 Civil Rights Act had precluded the possibility.

So we could not get a handle on how much money was going to Indian students.

The second point is that the dropout rate among Indians was extremely high, only to be exceeded by Puerto Ricans in the United States.

Mr. BLOUIN. What were they dropping out of?

Mr. SPEARMAN. At the secondary level. But they were basically dropping out of high school during the high school level between the 9th and the 10th, as compared to the Puerto Ricans who were dropping out between the fifth and the sixth grade.

I can submit to your office a copy of that FICE report.

Mr. BLOUIN. I am informed that we have a copy of it.

Mr. DEMMERT. A point of clarification, we are talking about two different reports. We have a report that is more recent than the one Dr. Spearman is talking about that was just released a couple of weeks ago. The one Dr. Spearman is talking about is one that was done a couple of years ago.

Mr. BLOUIN. We are not sure that we have the most recent one. Could you send a copy of that over?

Mr. BLAKEY. Yes.

[The information requested follows:]

FEDERAL INTERAGENCY COMMITTEE ON EDUCATION

SUMMARY REPORT

AND

RECOMMENDATIONS

RESULTANT FROM THE

CONVOCATION ON INDIAN EDUCATION

held in Washington, D.C.
March 3, 4 & 5, 1977

sponsored by the

SUBCOMMITTEE ON INDIAN EDUCATION

William G. Demmert, Chair
Bureau of Indian Affairs
U.S. Department of the Interior

April 1978

U.S. Department of Health, Education, and Welfare
Office of the Assistant Secretary for Education
Washington, D.C.

FOREWORD

This report and its recommendations are the result of the FICE National Convocation on American Indian Education held March 3-5, 1977, near Washington, D.C. The Convocation was designed to bring together representatives of the Federal agencies concerned with Indian education and representatives of the American Indian community to discuss educational needs and goals. The result of concentrated discussions, these recommendations are intended to suggest administrative, legislative, and regulatory changes affecting American Indian education which are strongly supported by the Indian community.

The convocation was planned and organized by the FICE Subcommittee on Indian Education chaired by Dr. William Demmert, Director of Education for the Bureau of Indian Affairs. Convocation coordinator was Sylvia Wederath of the Office of Education. Participants from the American Indian community were designated by representative Indian education groups and associations. Federal participants were designated by their respective agencies.

The FICE Subcommittee on Indian Education, formed to coordinate the activities of Federal agencies with Indian education programs, includes representation from eleven Federal agencies (See Appendix A). Funds for the convocation were provided by the U.S. Office of Education, the Office of Native American Programs and the Federal Interagency Committee on Education of the Department of Health, Education, and Welfare; and the Bureau of Indian Affairs, Department of the Interior.

A transcript of the Convocation proceedings was distributed to the participants for review and comment. From the transcript and from the suggestions received, this summary of recommendations was prepared.

This report constitutes a working document for reference and guidance to Federal agencies participating in American Indian education. It stands as a statement of grassroots concern by the Indian community to be used as goals are set and programs developed.

We wish to thank all of those whose contributions to and participation in the Convocation provided invaluable insights and perspectives.

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Chairperson
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INTRODUCTION

This report is a summary of the recommendations made at the F.I.C.E. Convocation on Indian Education in March of 1977.

All of the recommendations made at the various convocation workshops were consolidated and grouped according to general categories.

The recommendations are presented in the following format: first, within each category as a Subsection "A" is a short narrative description of the recommendations. Subsection "B" lists the recommendations. In the left margin of this list are numbers which indicate the workshop from which that recommendation came. Several numbers indicate that the recommendation was made by more than one workshop. This format will enable the reader to gain a better grasp of the scope of the recommendations than would an interminable list of all the recommendations that were made.

I. DIRECT FUNDING AND TRIBAL CONTROL

A. Narrative Summary

Recommendations were almost unanimous in their support for more tribal control of Federal programs for Indian Education. This included programs funded directly to tribes, as well as programs for which funds flow through other agencies. For example, two of the workshops recommended that in the event a local education agency (LEA) refuses or fails to apply for programs such as Title IV, Part A of the Indian Education Act of 1972, a tribe or Indian group should be eligible to apply for the funds that could have been made available had that LEA applied for funds.

Nearly every workshop which addressed the question recommended that tribal control over Federal programs be strengthened. Two of the workshops which mentioned the band analysis process arrived at different conclusions about its retention. One workshop recommended that the Bureau of Indian Affairs' higher education program should remain on the band analysis (a budgetary procedure whereby tribes are able to set their priorities, within the total budget allocation), but that a better planning process should be used in place of band analysis. Another workshop recommended that all BIA education programs should be removed from band analysis.

The general view was that Indian tribes or Indian organizations should have priority in receiving Federal funds which affect Indian children.

B. Recommendations

1 -There should be an Indian set-aside in Title VII of the Indian Education Act with direct funding to the local entity which will operate the program.

1,3,5 -Local Bureau of Indian Affairs (BIA) or BIA supported programs should be funded directly from the BIA central office to eliminate wasted time and money in the present system of area offices.

1,4,6 -Local control of programs for Indians should be increased. Control should exist at the level closest to the Indian people directly affected by a program.

1,5,6 -Tribes should be recognized as separate entities for direct Federal funding, including non-BIA funds.

1,6 -Revenue sharing funds to local agencies based upon Indian populations should be utilized to provide services to those indian people or turned over to the trihal government.

2,3 -If an LEA refuses or fails to apply for programs such as Title IV, Part A of the Indian Education Act, a tribe or Indian group should be eligible to apply for the funds that could have been made available to the LEA.

2,3,5 -There should be more basic financial support for tribal education systems including tribally-operated community colleges.

3 -All Federally funded research projects which involve Indian people should be subject to prior approval by the Indian people to be studied.

3 -BIA higher education programs should remain on the band analysis; however, a hetter planning process should replace band analysis altogether.

5 -BIA Indian education programs should be removed from the band analysis.

5 -All Federal Indian education funds should "follow the child."

6 -Indian tribes or Indian organizations should have priority in all Federal programs affecting Indian education.

II. INFORMATION AND TECHNICAL ASSISTANCE

A. Narrative Summary

The participants in this workshop were generally dissatisfied with the level of information and technical assistance received by Indian tribes and groups. Technical assistance should be increased and a clearinghouse should be developed to keep tribes and other interested parties informed about current developments in Indian education and related matters. One group believed that there should be some kind of regional or statewide conferences to bring together tribal leaders, Federal staff, State personnel, and others to discuss issues related to Indian education.

B. Recommendations

3,5,6 -An Indian education clearinghouse should be created to keep tribes and other interested parties informed about current developments in research, law, and educational media programs dealing with Indian education.

5,6 -Technical assistance to Indian tribes and schools should be increased. It should be available throughout the program cycle and at all levels. It should be provided through increased staff and budgets within the Federal agencies and by increased funding for outside contracts with technical assistance organizations. Support should come from the BIA and OIE as well as from other agencies, such as the National Institute of Health and the National Institute of Education.

5 -State or regional conferences should be supported so that tribal leaders, Federal staff, State personnel, and others can discuss issues related to Indian education.

6 -A review of the dissemination of information on program regulations should be undertaken to assure that the Indian public receives adequate notice of regulations which effect them.

III. FEDERAL/TRIBAL/STATE RELATIONS

A. Narrative Summary

Recommendations in this category generally took two related positions. First, States should not be relieved of their responsibility for providing educational services for Indian citizens. Second, the Federal government has the responsibility to work with States and tribes to make sure that the States deliver services to Indians which are equivalent to the services delivered to others.

At the same time, the workshop concluded that the Federal government must renew and abide by its own commitments to Indian citizens to provide alternative education and other education services for Indian people.

B. Recommendations

4,5 -States should not be relieved of their responsibilities for providing educational services for their Indian citizens. The Federal government must call attention to this State responsibility and work with States and tribes in clarifying the roles of all three entities in Indian education. Land-grant colleges should be encouraged to be responsive to the needs of rural Indian populations in their State.

5 -The Federal government should make a commitment to support alternative education for Indian students, including multi-year funding of such schools at a reasonable level.

IV. FEDERAL REORGANIZATION; FEDERAL SERVICES

A. Narrative Summary

Recommendations for Federal reorganization are tied very closely to the recommendations regarding Federal services. There was general agreement that, in order to provide more useful and more efficient services; the BIA should reorganize. For example, the BIA Office of Employment Assistance should be incorporated into the Division of Postsecondary Education in order to facilitate better tribal planning for all aspects of higher education. In the area of Federal services, it was felt that the BIA should develop better college preparatory programs for its own schools and for tribal schools that are BIA supported. Such programs would better prepare Indian students for college and graduate schools.

There was concern that the level of competence among education staff members of the BIA is sometimes very low. A possible route to improvement was removal of BIA education staff from Civil Service, since their civil service status seems to be the largest roadblock to removing incompetent personnel. A related recommendation was for increased efforts to recruit Indian people in responsible positions at all levels of the Federal government, but particularly in the Office of Management and Budget and in the Congressional Budget Office, since many decisions which affect Indians are budgetary in nature.

B. Recommendations

1,2 -The BIA should develop and implement policies for the provision of services to handicapped children using BIA and other funds which are or may become available.

2 -Regulations should recognize differing needs in different school systems. For example, Title 1 funds spent in the BIA school system where the student population is nearly all Indian should be more flexible than in public schools where Title 1 Indian students are a smaller percentage of the student population.

3 -The BIA Office of Employment Assistance should be transferred to the BIA Division of Postsecondary Education in order to facilitate tribal planning in all aspects of higher education.

3 -The BIA should develop and implement a comprehensive plan for the continuing education of its educational personnel including top and mid-level administrators, teachers, counselors, and all support personnel. This should cover such topics as changes in law affecting education, policy changes, research and development, competency based education, new teaching and counseling techniques and any other appropriate new developments.

3 -The BIA should develop in its own schools, and aid BIA-supported tribal schools to develop, quality college preparatory programs so that Indian students may better be prepared for college and graduate schools.

4,6 -High standards of competence among the BIA education staff should be developed and enforced. This will probably necessitate the removal of the BIA school personnel from Civil Service, since this seems to be the biggest roadblock to competency.

3,6 -Indian people should be actively recruited for responsible positions at all levels of the Federal government, particularly in the Office of Management and Budget and in the Congressional Budget Office.

V. FEDERAL SERVICES TO OFF-RESERVATION INDIANS

A. Narrative Summary

This subject was discussed with recommendations in only two of the workshops. Perhaps this is due to the controversial nature of the topic. In general, the recommendations fell into the area of increasing services for "urban" Indians. Services for these people were seen as below levels necessary to assure quality programs. One recommendation was that urban Indians should be recognized as a separate category for Federal funding.

B. Recommendations

5 -The definition of non-LEA should be expanded to include urban Indian alternative schools.

5 -A central body should be established to develop eligibility standards for off-reservation non-LEA's.

5 -Federal funding sources should be more sensitive to the educational needs of urban Indians. Urban Indians should be recognized as a separate category for Federal funding.

VI. DEFINITION OF INDIAN; IDENTIFICATION AND ELIGIBILITY

A. Narrative Summary

This topic generates considerable differences of opinion in the Indian world. For this reason, the recommendations are somewhat vague.

The general view was that the development of the definition of "Indian" should be left to the tribes. The current practice of having definitions depending upon the program was recognized as possibly the most viable approach.

B. Recommendations

1 -Alternative processes for identifying Indians should be studied, as the process of identification is creating friction. For example, the verification forms used by many schools applying for Title IV are causing parental hostility.

7 -Indians should decide on the definition of Indian. (It is unclear whether this means tribes, national Indian organizations, or other Indian groups.)

7 -The Federal government should accept the tribes' definition of Indian. (It is unclear how, if at all, this applies to tribes not Federally recognized.)

7 -Future generations should not be cut off from tribal membership and services. (This appears to mean that there should be no freezing of membership at any point.)

VII. RESEARCH AND DEVELOPMENT

A. Narrative Summary

The recommendations generally called for increased study of the needs of Indian people. A research council to conduct research and analysis in the field of Indian education was suggested. A need for comprehensive study and a report of all Federal programs in other agencies was identified. There was concensus that the results of all of these studies should be published and widely disseminated among the Indian communities.

B. Recommendations

3 -A survey of the requirements of Indian communities for highly trained professionals should be conducted immediately and the results used to urge Federal agencies and the Congress to encourage and provide support for Indian students to prepare these occupations.

3 -A program is needed to provide reorientation and transitional training for adult Indians returning to higher education after long absences.

3,5 -The BIA should establish an American Indian Research Council to research and analyze the field of Indian education. The BIA should coordinate with other agencies of the government, such as the National Institute of Education, National Science Foundation, and other interested research groups.

6 -There is need for a comprehensive study and report of all Federal programs to see how they benefit Indians, or whether they should be revamped to provide benefits. The results of this study should be widely disseminated.

VIII. FUNDING ISSUES

A. Narrative Summary

Most of the recommendations urged increased funding for all programs. However, it was recommended that no money paid under Title IV of the Indian Education Act should be used to offset land or other claims settlement payments, as has been done with other programs in the past.

There is a need for multiple year funding of programs and organizations. This would help to eliminate the constant drain of time and money into refunding activities and save these resources for concentration on program implementation.

Similarly, financial aid for students in higher education should be packaged so that the student will have an idea of how much money will be available over a period of time needed to attain a degree or other educational goal. There was a further suggestion that an Indian student be permitted to retain the aid guarantee for future use even if he or she should take some time off from school.

B. Recommendations

2 -Applicants for assistance should be required to show all sources of funds to be used for similar programs.

2,4,5,6 -There should be funding for multi-year education programs for Indian education and evaluation of such programs should be made in that context.

2,6 -Funding for Title IV of the Indian Education Act, should be increased and the program should be renewed with a provision that no money paid under the program may be used to offset land or other claims settlement payments.

3 -More flexible funding formulas are needed because of the unique and widely varying needs of Indian educational institutions. Their nature and variety make traditional formulas inapplicable and often inadequate to meet their needs.

3,4,6 -Indian tribes and organizations should be permitted to carry over unexpended funds for use in succeeding years.

3,6 -Funds for higher education student financial aid should be increased. Funds should be "packaged" for a period that will allow a student freedom from financial problems or at least the knowledge of how much will be available each year so he or she can plan with some stability.

4,5,6 -Appropriations for all Federal Indian education programs should be increased. This includes school construction.

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IX. PROGRAM ACCOUNTABILITY

A. Narrative Summary

These recommendations generally dealt with increased support for advocacy groups. This support should include funds for legal assistance to help such groups to carry out their roles. In addition, the Bureau of Indian Affairs should set high standards for its personnel and enforce those standards. At the same time, the standards should be flexible enough to permit very competent people to be employed even though they may not possess complete traditional academic credentials.

B. Recommendations

2,6 -Advocacy groups concerned with Indian education should be encouraged and supported. Where appropriate, they should be given funds to secure legal assistance in carrying out their roles. Funding for technical assistance and monitoring through these groups should be increased.

2,6 -There should be a systematic approach to auditing all Federal programs to assure educational and programmatic accountability. This system should include a method for dissemination of information about successful programs to others who may wish to follow this model.

3 -The BIA should set high standards for personnel involved in educational programs at all levels.

These standards should apply to BIA personnel and those employed in BIA supported institutions. The standards should he flexible enough to permit highly competent people to be employed even though they may not possess complete academic credentials, i.e., a college degree should not be an automatic requirement for all teachers when experience might be a more important factor.

X. SPECIAL PROGRAMS; MISCELLANEOUS

A. Narrative Summary

More effort should be directed at getting Indians certified as teachers and trainers of teachers, with less emphasis on getting Indians as teacher aides. Available Indian teachers should be hired as permanent teachers, not on special program money which is generally not certain of continuation. There should be more emphasis on the educational needs of gifted, talented, and handicapped Indian children. Guidance and counseling services should be increased in order to improve the likelihood that able Indian students will succeed.

The clause which permits forgiveness of National Defense Student Loans and National Direct Student Loans for service as teachers should be expanded to include other vital service areas, perhaps health care and legal services. Finally, there should be increased support for tribal programs aimed at college preparation and professional schools.

B. Recommendations

1 -More effort should be directed toward getting Indians certified as teachers and teacher trainers.

1 -More emphasis and attention should be given to the identification and provision of the educational assistance to gifted, talented, and handicapped Indian children.

3 -Better guidance and counseling programs are needed for Indian high school students with emphasis on both vocational and academic pursuits.

3 -Special programs to provide orientation and counseling for Indian students prior to their initial year of a high education program should be implemented. Such programs now exist for some areas, i.e., the Summer Law Program at the University of New Mexico. The need for such programs in other fields or at the immediate pre-college level should be examined.

3,4 -The clause which allows the government to forgive a portion of a student's debt under the NDSL program should be expanded to include vital service areas other than teaching, such as health care and legal services.

3,4 -Federal support for tribal schools aimed at preparing students for higher education should be increased. This would support programs, such as, tribal college preparatory academies which provide Indian students with better academic preparation for college and professional schools.

Mr. BLOUIN. On page 2 of the letter, Dr. Spearman, you state that a reassessment is needed. What effort has the Department begun to fashion a program that will provide educational opportunities to Indian students of at least the same quality as are available to other students. That is a quote from the Department's letter, in terms of the needs, "In light of the special trust relationship between the Federal Government and the Indian Tribe, it seems fair that we should attempt to fashion programs that will provide educational opportunities of at least the same quality as are available." What is being done?

Mr. SPEARMAN. The Secretary of HEW recently named the Office of the Assistant Secretary for Planning and Evaluation to chair the total higher education reauthorization effort, recognizing that much of the authority contained in the 1965 act will expire in 1979. Most notably are several programs that do affect minorities in this country. The student aid program, the authority will expire in 1979. A department wide task force has been established. Also work groups, including representatives from the Office of Education were created to address all items.

Mr. BLOUIN. There was a committee established to address the Indian postsecondary problems, and the unique relationship that exists?

Mr. SPEARMAN. There is not a committee established for that specific purpose.

Mr. BLOUIN. Isn't that what H.R. 9158 does?

Mr. SPEARMAN. Yes.

Mr. BLOUIN. The Department language says that it ought to be generally developed, but apparently through other means than the way that H.R. 9158 does it.

Mr. BLAKEY. Let me say this, Mr. Chairman. At the time that the administration was developing its views on with respect to H.R. 9158, the legislation which you are sponsoring the issue arose of how H.R. 9158 related to the postsecondary reauthorization. Within the context of the review of title III—developing institution—of the Higher Education Act, the direction has been given not from the Secretary, but from the people who are responsible for the reauthorization process, that the specific issue of postsecondary opportunities to Native Americans should be looked at in the context of reauthorization of the title III programs to determine what could be done to better enhance the Department's ability to provide assistance to Indian community colleges.

Mr. BLOUIN. I want to get into title III in a couple of minutes, because I would like very much to talk about the purpose of that title, and so on. But for the time being, the legislation is not all that different from what you envision.

Mr. SPEARMAN. That is true.

Mr. BLOUIN. On pages 2 and 3, you pose lots of questions, listing them right down the line. Has the Department checked with anybody in Congress, Interior, the American Higher Education Consortium, or others to determine whether those questions are answered, or are being answered, or what is happening?

Mr. BLAKEY. The answer to the question is both yes and no. The questions that are raised are the ones that the people involved in

the reauthorization process intend to look at. They are already aware of the two consortium reports that were referred to earlier.

The people in my office are consulting with people on the House side and the Senate side on the postsecondary reauthorization process right now.

Mr. BLOUIN. Do you feel, Mr. Spearman, that this bill sets a precedent in terms of direct institutional aid?

Mr. SPEARMAN. When you look at the pattern of institutional support from the Federal Government in this country today, it indicates that many institutions are receiving perhaps as much as two-thirds of their institutional support from the Federal Government, though they are not specifically wards of the Federal Government. I don't think that the Federal Government properly intended that it be that way.

However, the sheer accident of inflationary costs and rising cost of students who are in the market, in which heavy numbers of institutions are now receiving 50 percent of their support, including student aid, under titles III and IV.

The question of whether or not you are setting a precedent here with respect to a unique group, perhaps that is the hallmark that is involved here, because you are talking about tribally controlled institutions as opposed to general categorical institutions in this country.

So in a sense it does have the features.

Mr. BLOUIN. We are establishing something new, a precedent setting.

I don't know how you can claim to understand the relationship that exists between the Federal Government and tribal government, the treaty relationships, the special trust relationship, and make a statement like that.

In kindergarten through 12, in special education, in any form of Indian involvement in educational level, there is direct institutional assistance. Where is the precedent?

Mr. SPEARMAN. The critical question is that there are large numbers of institutions that serve unique populations in this country, and they, too, have a concern about the general operating costs. We are faced every day in the Office of Education with institutions requesting money because they serve unique populations in this country, requesting direct awards to eliminate past——

Mr. BLOUIN. Let me stop you right there. Is this, in your opinion, just a unique group of Americans?

The Supreme Court just recently ruled that the Indian community does not have the full force of even the Bill of Rights under the Constitution. They are a separate nation. It is not a question of a constitutional guarantee. It is separate, totally unique, unlike any other race or minority group in this country.

Mr. SPEARMAN. That has been recognized in HEW over a period of time, Congressman Blouin. If you will look at the administration of student aid funds, we take into consideration the unique character, and we, in the Office of Education, play a tremendous part in recognizing the difference, that treaty relationship that is between the Federal Government and the Indian nation, by not counting as a part of the student resources, awards and so forth, that came

from tribally controlled Indians. So the precedent for that has already been established within HEW.

Mr. BLOUIN. So where is the precedent in this legislation?

Mr. SPEARMAN. I referred to the precedent of categorical aid, additional costs to support institutions of higher education.

Mr. BLOUIN. How does that differ from the Navajo Community College, Sinte Gleska, or Lakota?

Mr. SPEARMAN. The critical point would be if at this point in history we would create a bill to fund a Navajo Community College at this time.

Mr. BLOUIN. That was done in 1971.

Mr. SPEARMAN. I am admitting that. What I am saying is, would we go about the establishment of a federally supported institution in 1977 or 1978, in the same manner as we did under the circumstances in 1971.

Mr. BLOUIN. If we did, it certainly would not be a precedent.

Mr. SPEARMAN. I think that when you look at the establishment of quasi-corporations of the Federal Government, such as Howard University, or the American Printing House for the Blind, that would be——

Mr. BLOUIN. There you are dealing with unique minority groups. The Supreme Court has already ruled that it does not fit the Indians. The Supreme Court has ruled that the Indians are a political entity and not a racial entity. They have distinguished between that.

Mr. SPEARMAN. I think you are leading me down a racial path, and I am dealing with institutions.

Mr. BLOUIN. What I am trying to do is to distinguish clearly that there is a difference between the way we deal with racial and qualitywise minorities in this country under constitutional law, and the way our relationship with the Indian nation is as a result of treaties. There is a distinction; would you accept that?

Mr. SPEARMAN. Yes.

Mr. BLOUIN. The distinction has resulted in a tremendous amount of trust relationship unlike any other group in this country. Direct institutional funding has been the norm and not the exception.

Mr. SPEARMAN. I certainly do not disagree with you.

Mr. BLOUIN. So we are setting no precedent in this bill as it impacts on the Indian community in this country. We may be setting a pretty tough act to follow for other groups that come in over the years, and say, "How come we can't have this for our race, or our group of people. We are unique." It makes it a pretty tough political pill to swallow.

Mr. SPEARMAN. That is the precedent to which I referred.

Mr. BLOUIN. So we are concerned with a political precedent, and not an equity precedent.

Mr. SPEARMAN. That is correct.

Mr. BLOUIN. Thank you.

Does the minority have any questions?

Let me go to Mr. Carnell for a few minutes, and then the minority may have some questions.

What is the purpose of title III, Mr. Carnell?

Mr. CARNELL. The title III program is designed to strengthen developing institutions in five categories of assistance. These are: Faculty development, curriculum development, student services which includes such areas as counseling; and a category of others which could include the development office or the placement office, or the specific unique need at the institution, and the administrative improvements.

Mr. BLOUIN. Is it fair to say that it is more supplemental than basic operation?

Mr. CARNELL. The law requires that our support be supplemental and not supplant any other institutional funds.

Mr. BLOUIN. Are you familiar with the uniqueness of Indian-controlled community colleges?

Mr. CARNELL. Yes, sir, I am.

Mr. BLOUIN. Is title III considered to be a temporary assistance program, or is it permanent. Is it something that you will be locked into as an institution for decades, or is it intended to be a temporary thing?

Mr. CARNELL. Let me give you my personal response to that. It is my feeling that developing institutions are going to require assistance from the Federal Government for the indefinite future.

Mr. BLOUIN. The same institutions?

Mr. CARNELL. Yes, sir.

When institutions, such as Harvard, MIT, Yale, no longer have to come to the Federal Government for research and development moneys, then we can think about phasing out the title III program.

Mr. BLOUIN. Is it competitive?

Mr. CARNELL. Yes, sir.

Mr. BLOUIN. Is it highly competitive?

Mr. CARNELL. Yes, sir.

However, we do make every effort to provide special technical assistance to institutions who are new to the program. Let me say that we do want to get a more active participation of the Indian colleges in the program. You may be aware of the fact that we were instrumental in having the 1.4-percent limitation on our appropriation removed so we could move in that direction.

Mr. BLOUIN. In view of the fact that an Indian-controlled community college lacks any stable source of funding, there is no tax base, there are no automatic dollars earmarked for it, and so on, of what value is title III in terms of bringing these institutions into the mainstream of higher education, if it is basically a supplemental program?

Mr. CARNELL. The answer to that would be 11 years of experience that we have had in working with developing institutions has provided us with a rich background in where the institutions need assistance to move into the mainstream.

This assistance would be available to these tribally controlled community colleges.

Mr. BLOUIN. We accepted the fact earlier that it is supplemental assistance under title III.

Mr. CARNELL. Currently.

Mr. BLOUIN. Currently, and that the funding level with the amount of competition out there, and the developing problems that institutions are facing, and will more likely be facing at a rapidly

growing rate in the next decade, it will remain that way for the foreseeable future, even if funding is substantially increased. Is it safe to say that?

Mr. CARNELL. Let me suggest that we could achieve the goals of both title III and H.R. 9158 in the reauthorization of current programs, by incorporating the provisions of H.R. 9158 into the title III program.

Mr. BLOUIN. How would you do that. You would grant an additional $30 million?

Mr. CARNELL. No. When the law is rewritten to incorporate the provision that you have in H.R. 9158 into the legislation for the title III program, that way we could provide an impact of much greater magnitude. For example, we can now do things under the title III program that H.R. 9158, at least as I read it, does not describe.

Mr. BLOUIN. Like what?

Mr. CARNELL. The five categories of aid that I have mentioned. That is, faculty development, administrative improvement, curriculum development, and student services, and other.

Mr. BLOUIN. How did H.R. 9158 keep the community colleges from doing that themselves?

Mr. CARNELL. Again, if I read it correctly, the primary emphasis: "Grants made under this title shall go into the general operating funds of the institution."

Mr. BLOUIN. There is nothing in that bill that precludes them from participating in programs beyond H.R. 9158 funding. There is nothing in there that would prevent them from participating in title III.

Mr. SPEARMAN. I think that Dr. Carnell is making another distinction here. He is saying, if the primary purpose is to provide general operating expenses, and title III is amended to do it, it also keyes the features of the title III program.

But if you run them separately, even if you get the operating cost, these same tribal institutions are dependent on arbitrary, competitive grant process to get these other features built into it.

Mr. BLOUIN. It creates some kind of a provision in there that would allow you to go to basic funding.

Mr. SPEARMAN. Yes, sir.

Mr. BLOUIN. Geared toward the same kind of community college that we are talking about in H.R. 9158.

Mr. SPEARMAN. Yes, sir.

Mr. BLOUIN. It is a rather unique idea. It would be precedent setting, wouldn't it?

Mr. SPEARMAN. I am afraid to mention that precedent setting.

Mr. BLOUIN. It seems to me to be very precedent setting. If I am reading the letter from Joe Califano correctly, he is very nervous about precedent setting.

Mr. CARNELL. Mr. Blouin, I think that it would be possible to have a subsection of the title III program that was directly focused on the tribally controlled community colleges. There is no reason why this could not be done. As I said, I think that we would achieve not only the goals of H.R. 9158, but a lot more additional benefits would accrue to the colleges because of the background that we have in working with institutions.

Mr. BLOUIN. Except for the fact that it is precedent setting, and we will set that aside for a moment, you do admit that there is need there, and that it can be served?

Mr. CARNELL. Absolutely.

Mr. BLOUIN. A definite need?

Mr. CARNELL. Absolutely.

Mr. BLOUIN. It has already been established that there is a tremendous need, that somehow the postsecondary needs of students are not being met.

Mr. CARNELL. They are tremendous.

Mr. BLOUIN. So your opposition to this legislation is aside from that, it is unrelated to need.

Mr. SPEARMAN. That is correct.

Mr. CARNELL. I think that we see that the goal of the legislation can be reached in a more effective way by combining it with the title III program, and that is not really our position. It is just another route of reaching the same goal.

Mr. BLOUIN. So the only real problem lies in where the program could best be administered, where it fits into the overall educational programs in the country. So we are really talking about the basic argument in the Senate bill on the Department of Education transfer of Indian education programs, it is that whole argument again, isn't it, which is not something that I am going to get into at this point.

Mr. CARNELL. I would state it a little differently. I think the fundamental question is how can we best reach the goals that we all want to reach for Indian students.

Mr. BLOUIN. It is the same thing. The Department of Education knows, the ones that are strongly committed to it believe that you can meet those goals best through having all educational needs in this country met through one Department of Education. Those on the other side on the Indian question believe that those goals can best be met the way they have historically been attempted to be met through BIA. That is basically framed the same way. That is the basic concern from HEW on this legislation.

Mr. BLAKEY. No.

Mr. BLOUIN. I have two nods of yes, and the legislative voice says no.

Mr. BLAKEY. Don't separate me out. I get enough of that on the other side of the street.

Mr. BLOUIN. I would hate to say that we have too many chiefs down there.

Mr. BLAKEY. I think you go back, obviously, to what will be somewhat of a basic disagreement between the administration, as I see it, and the members of the committee, and that is that we think a primary thrust for reaching and resolving the obvious needs among Indian students in the postsecondary area, should be student aid. I don't make that statement to be ignorant of the obvious factors which Mr. Demmert testified to in terms of the high dropout rate, because I think that in addition to giving them money and sending them off to college, there are other things that could be done.

Mr. BLOUIN. If I understand what you are saying, page 6, line 22, the amount of $125,000 plus $3,500 for each full-time equivalent

Indian student, if that was not there, and instead we gave every Indian attending an Indian college a $7,000 a year scholarship, your direct concern about Indian direct educational aid would be eliminated.

Mr. BLAKEY. Our basic concern about that would.

Mr. BLOUIN. That is all we have to do to get your support for the bill, is to write that particular provision. I will move it right now. I will just find one more member.

Mr. BLAKEY. The problem as we see it now, as we are embarking on the reauthorization process, we hear an awful lot of talk from a number of quarters about the question of institutional aid to the community colleges, the black colleges that are in need of assistance, small liberal arts colleges——

Mr. BLOUIN. You are mixing appies and oranges. What you are trying to do is to eliminate an impossible political fight that you think will ensue in the years ahead if we establish the precedent politically of this kind of institutional assistance to Indian colleges, and not have it in every other, at least for appearances' sake, like situation.

Mr. BLAKEY. What I forsee is not only that we will get into that, but given obvious limitations on the amount of money available, how do you respond to the different institutions wanting Federal assistance, because of treaty differences, because of racial differences, and probably being able to make some kind of a case for such aid. The whole question of institutional aid, without regard to racial differences, is the issue that the Federal Government is going to have to deal with.

Everybody who needs or wants money, comes in and says: Rescue me.

Mr. BLOUIN. I don't argue with that problem, except in the instance of the very unique relationship that is separate from the constitutional rights that all others in America have, aside from the Indian community. That is where the uniqueness separates that situation from all others.

I think HEW's attempt to put them in the same bag makes it impossible to deal with them fairly. It is kind of moving out two totally different sunbeams. They are not related in any way, except the fact that they are people. The relationship of constitutional guarantees compared to treaty obligations, you cannot compare them. You cannot put them into the same bag.

Mr. BLAKEY. We don't disagree about that. We even go beyond the constitutional difference you draw. What we are starting to hear is not that kind of difference, but my college is going broke, and I want some assistance from the Federal Government. If you give it to them, give it to me.

Regardless of the fact that you can make that distinction, there is that uniqueness, there is that treaty difference, once the Federal Government steps across that line to institutional aid, there is not going to be any backing off.

Mr. BLOUIN. I think we have a major difference because we have been over that line for decades. We have established the fact here repeatedly this morning that we are not setting a precedent. It does exist, and it is just not existing in HEW as directly as it exists today in BIA.

[illegible] exist in BIA, and that is very clear. But postsecondary [illegible]. They are not treated postsecondary the same way. Postsecondary is not treated the same way as elementary and secondary.

Mr. BRADLEY. They are in the manner in which those schools that get accredited are funded. The funding is not any different than the way the [illegible] are finally handed out to the few community colleges that get money than it is in the BIA kindergarten through [illegible] established out basically the same way.

Mr. BRAKER. But to a limited number, as you point out, and to a limited number through HEW as well.

Mr. [illegible]. It is that group missed that this legislation is attempting to [illegible].

Mr. STEVENS. We are not arguing the racial difference. There are [illegible] colleges being created all over this country today with the [illegible] agreements, the high dropout rate.

Mr. [illegible]. This bill does not create a single college.

Mr. STEVENS. It provides for continuing sustenance of that college by paying operating costs in a way that does not apply to any other institution in this country other than those that were established by the Federal Government.

Mr. [illegible]. If the Indian community college system had a tax [illegible] States had the same responsibility to those students [illegible] in their States as they do in a given State. If they had a [illegible] they do not have, then they would have [illegible]. But this is present in both instances.

[illegible] treaties and the treatment given each through treaty [illegible] that base supplemented or replaced [illegible] nothing unique or precedent [illegible] way since the first treaty was signed.

Mr. [illegible]. Mr. [illegible] argument. Do you recall [illegible] used to be the same argument, [illegible] we were compensating people.

Mr. [illegible]. You have a different relationship with regard to [illegible].

Mr. STEVENS. We [illegible] relationship if you come [illegible] we have now. My point would [illegible].

Mr. [illegible]. [illegible] law as it exists, we [illegible] Dine Navajo Community College [illegible].

Mr. [illegible] institution that has [illegible].

Mr. [illegible] specifically mandate [illegible]. There are several other [illegible] direct [illegible].

Mr. [illegible] HEW.

Mr. [illegible] goes [illegible]. We do when it [illegible]. We want the same thing that we [illegible] provided [illegible].

I have no more questions. I think that our points have been made. I think that you have made your points. I am not going to give any subjective comments, we will let it go at that.

Thank you for your time this morning.

The hearing is adjourned.

[Whereupon, at 12 noon, the committee adjourned, subject to call of the Chair.]

[Material submitted for inclusion in the record follows:]

A CONCEPT PAPER REGARDING THE ROLE AND RESPONSIBILITIES OF THE BUREAU OF INDIAN AFFAIRS IN POSTSECONDARY EDUCATION

Postsecondary Education in its very broadest sense encompasses numerous and diverse forms of education beyond high school, including, but not limited to, associate, bachelor and graduate degree programs, vocational, technical, continuing education and adult education.

From the standpoint of sound organization, the gamut of postsecondary educational programs administered by the Bureau of Indian Affairs should, logically, be grouped into four basic categories, as follows: (1) Student Financial Aid and Support Services; (2) Bureau-Operated Postsecondary Institutions; (3) Indian Controlled Community Colleges, (4) Alternative and Special Emphasis Programs.

STUDENT FINANCIAL AID AND SUPPORT SERVICES

This organizational category should encompass all Bureau programs which provide grants, loans, or any form of financial assistance for postsecondary educational costs, including subsistence. Specifically, this includes grants and loans for higher education, vocational-technical training, including training for specific employment, Adult Education, etc.

Principal functions of this organizational unit, at the Central Office level, are to plan, develop and implement overall program policy, objectives and budget. Additionally, or, as a part of its administrative responsibilities, this organizational unit establishes and maintains contact with: (1) Tribal and Indian organizations, and eligible beneficiaries, to facilitate improved comunications, planning and program execution; (2) public, private and governmental foundations and agencies regarding student funding; and, (3) tribally controlled, public and private colleges/universities and vocational technical institutions which enroll sizeable numbers of Indian students, for the purpose of cooperatively defining the role of the Bureau in relationship to the institution and the relationship of the institution to Indian students.

Effective facilitation of qualitative services requires that the unit be inherently characterized as one which

1. Encompasses all Bureau postsecondary student financial aid programs. Organizational grouping of such programs, however, is not an end unto itself. Rather, sound, coordinated planning for each program, individually and collectively, must be accomplished if the organizational grouping of the programs is to accomplish its intended effect.

2. Develops and requests adequate funds, based upon extensive, sound planning, to enable financial assistance to all students at a reasonable and adequate level. In this regard, a sound process must be established whereby data can be compiled and readily retrieved.

3. Serves as the primary source of financial aid for eligible Indian students.

4. Continually seeks to improve relationships with similar programs administered by other Federal agencies as a means of improving services to all eligible students. In this regard, subject to the development of sound plans and procedures, negotiations should be instituted to transfer D/HEW USOE financial aid program monies to the Bureau for administration.

5. Serves as the Indian student's advocate. In this regard, negotiations must be instituted to have D/HEW Basic Educational Opportunity Grant regulations revised to make them consistent with D/HEW USOE regulations governing Supplemental Educational Opportunity Grants, National Direct Student Loans and College Work Study. More specifically, regulations governing the latter three programs contain provisions whereby judgment awards, assets or income derived from trust property are to be excluded in the computation of Indian students' or parents' financial resources. Efforts should be undertaken to have this provision extend to Basic Educational Opportunity Grants.

6. Employs highly competent program administrators.

BUREAU-OPERATED POSTSECONDARY INSTITUTIONS

The Postsecondary Institutions operated by the Bureau and a brief description of the program offered by each is as follows:

(1) Haskell Indian Junior College. In addition to the Junior College program, HIJC offers vocational training.

(2) Southwestern Indian Polytechnic Institute. A vocational/technical school.

(3) Institute of American Indian Arts. Enrolls grades 11-14, and offers both a general education program as well as an Indian Arts program. The institute is currently in the process of converting to a Junior College which will be designed to offer major emphasis upon Indian Arts.

Effective facilitation of sound program organization, developent and implementation requires that:

1. The organizational structure, program objectives and curriculum be based upon student needs as regularly defined through sound scientific assessment methods;

2. The diversity of program curriculum be compatible among the three schools and that each be complimentary of the other;

3. The Board of Regents of each institution has responsibility and authority for total program policy and direction. Such responsibility/authority must extend to program, budget, personnel, and contract matters. With regard to personnel, the Board should be able to contract for personnel in the same manner used by public institutions. Legislation, in this regard, appears to be the most viable approach for attaining such authority;

4. Bureau financial aid to students enrolled in any of the three schools, irrespective of whether for higher education or vocational purposes, be computated in the same manner so as to make award amounts consistent among students who are similar with respect to need and circumstances;

5. The position of Superintendent-Director be eliminated in favor of the more appropriate administrative title of President. The grade level and salary must be comensurate with the duties/responsibilities of the position, and consistent with that of officials in public, private or governmental institutions having similar responsibilities;

6. Plans be developed whereby each school, in addition to, or as a part of its regular program, offers vocational, technical, adult, and/or continuing education programs consistent with the capabilities of the respective institution and the need requests of Indian communities; and

7. Plans be developed whereby the technological programs described by the alternative and special emphasis programs section of this paper, be provided by any all 3 institutions, consistent with their capabilities and needs of Indian communities.

INDIAN CONTROLLED COMMUNITY COLLEGES

The role of the Bureau in relationship to Indian Controlled Community Colleges is one which must be based upon cooperative, sound, systematic planning. Such planning, of necessity, must involve the Bureau, Indian tribes, Indian educators, representatives of Indian Controlled Community Colleges, Indian Education Organizations, accreditating agencies, and other appropriate organizations.

Sound planning can greatly eliminate conditions whereby tribes must compete for limited program monies and/or operate in continued uncertainty as to whether their programs are to be funded or refunded. Understandably, these conditions create unnecessary fractionalization within, and among, Indian tribes and groups.

Principal functions and responsibilities of the Bureau regarding Indian Controlled Community Colleges, are, therefore, to develop specific plans, policies and procedures to assist the colleges in becoming administratively sound and financially stable. In this regard, the following are recommended for immediate action on the part of the Bureau:

(1) Institute a policy and develop appropriate plans whereby the Bureau can begin, in Fiscal Years 1980, 1981 and 1982, subject to the availability of funds, systematic financial support of Indian Controlled Community Colleges existing as of September 1977, provided that full-scale, detailed long/short range plans are developed as provided by the following item (2).

Such policy shall further provide that Indian Controlled Community Colleges established after September, 1977, be required to complete a 3-year period to enable the detailed planning necessary for support as specified in item (2).

(2) Establish and develop cooperative planning for program, facilities and budgets for such colleges, individually and collectively; and, define perimeters and standards within which such planning and funding will be accommodated. Budgetary plans shall provide for assistance in an amount which is substantially equal to the per

pupil cost for Bureau operated postsecondary institutions. Such cooperative planning shall include, at minimum, the parties heretofore identified.

ALTERNATIVE AND SPECIAL EMPHASIS PROGRAMS

The activities encompassed by this category will usually be of a special emphasis nature. The breadth of such emphasis could space from basic adult education programs to highly specialized programs and/or services. The basic premise of programs encompassed by this category is the identified needs of Indian people.

One type of special emphasis program is predicated upon need and demand for Indians with training/education in specific professional areas. For example, with the enactment of Public Law 93-638, the tribes suddenly possess the potential to assume responsibilities they never had before, and in fact, became business organizations almost overnight. As tribes have assumed program responsibility under contracts they have recognized and identified special personnel needs. As more contracts are undertaken the needs of Indian tribes will become more clear and demand for specialists will increase.

Additionally, the Congress has identified Forestry, Engineering, Business Administration, Law and Medicine to be critical professional areas. In view of all the needs which have been and are continuing to be identified, the Bureau must be administratively set up to move readily into programs which provide training and/or education in specific professional areas to accommodate the needs of Indian tribes. The American Indian Law Program and the Harvard School Administrator's Program are two prime examples of special programs which are designed to provide high quality educational opportunities to American Indian students in the field of law and educational administration.

A second type of special emphasis program is illustrated by the existing contract with the American Indian Scholarships, Inc., which provides scholarship assistance exclusively for graduate Indian students.

A third type of special emphasis program involves the use of technological advancements to supplement formal educational programs and/or provide the delivery of educational services to the widely dispersed Indian population in a cost-effective manner.

Broadcasting, microwave relay, cable, satellite and mailing of pre-recorded material are all effective means of distributing educational services. Video, audio and computer systems have been shown to be cost-effective means of reaching large numbers of widely dispersed students. With its support, sometimes less highly trained staff can be used to interact effectively with students in the educational process. The purpose of the media is to support the instructional function so that the teacher is free to attend to humanistic needs of the student.

Obviously, use of the heretofore described technological advancements with and through Bureau-operated postsecondary institutions, Indian Controlled Colleges, and public and private colleges offers an entirely new challenge to the Bureau's effort to improve educational services to the Indian communities. It is, therefore, recommended that the Bureau begin developmental plans to research, explore and implement such program alternatives.